

NUCLEAR REGULATORY COMMISSION

ORIGINAL

In the Matter of:

HOUSTON LIGHTING & POWER COMPANY)
Allens Creek Nuclear Generating)
Station, Unit 1)

DOCKET NO. 50-466

DATE: January 15, 1981

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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Bates College of Law
 University of Houston
 Houston, Texas

Thursday,
 January 15, 1981

Pursuant to adjournment, the above-entitled matter
 came on for further hearing at 9:00 a.m.

APPEARANCES:Board Members:

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 Administrative Judge
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 U. S. Nuclear Regulatory Commission
 Washington, D. C. 20555

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P R O C E E D I N G S

9:05 a.m.

JUDGE WOLFE: Good morning.

It is now approximately 9:05. I do not note that there are any individuals in the audience who wish to make limited appearance statements.

I also note for the record that the only parties present are counsel for Applicant and counsel for Staff. I did note that an Intervening Party, Mr. Doherty, came into the hearing room but has left.

Under the circumstances, we will not begin at the prescribed hour of nine o'clock. We will wait several more minutes and see who appears.

All right. We will stand in recess for a few minutes.

(A short recess was taken.)

JUDGE WOLFE: Back on the record.

Mr. Copeland, I understand that some of your witnesses are in transit. What time do you expect them to arrive?

MR. COPELAND: I expect them to be here by 10:30.

JUDGE WOLFE: About 10:30.

There being no limited appearers in the audience and witnesses as to which we were earlier advised

1 as of yesterday would not be in until mid-morning, we will
2 stand in recess now until 10:30.

3 (A recess was taken.)

4
5 WRITTEN STATEMENT

6 OF

7 BRENDA HARDT

8 MS. HARDT: The nuclear industry seems to be
9 suffering from a pie-in-the-sky pollyannism about the safety
10 of nuclear reactors and the containment of all the car-
11 cinogens they produce.

12 The approximately one billion dollar accident
13 at Three Mile Island and repeated failures to solve the
14 nuclear waste issue have not cured them. They stubbornly
15 cling to the unbelievable statement that nuclear power
16 can be made 99.99 percent safe.

17 And perhaps it could be, if that was the only
18 aim of all the designers, engineers, financiers, construction
19 workers and operators. But unfortunately, too many have
20 been putting profits, deadlines, their own careers and
21 egos before the lives of the people.

22 And it has happened most blatantly right here
23 in Texas at the South Texas Nuclear Project. The attitude
24 during much of the construction was "build it quick before
25 prices go up; hide the improper welds and containment

1 building voids, harass the inspectors" -- the list of
2 deficiencies is long -- and the NRC recognized that the
3 aims of HL&P were not all that noble and fined them
4 \$100,000.

5 It's a shame that a Regulatory Agency had to
6 act in more of a role of policeman to protect the people,
7 but now South Texas Nuclear Project is in construction
8 again.

9 And I for one am not convinced that a mere
10 small fine will cause their priorities and hearts to
11 be changed to put the safety of the people first.

12 They seem to care about only one part of the
13 consumer: How much of the CWIP (construction works in
14 progress) they can get from the ratepayers' pocketbooks.

15 (I'd like to mention that Texas is the only
16 state that allows CWIP rate increases to be passed on to
17 the consumer when the plants are not anywhere near com-
18 pletion.)

19 We are forced to be guinea pigs in two areas.
20 We must bear the financial risk, but receive none of the
21 profits that go to utility owners -- no profit, just
22 an incredulous promise.

23 Secondly, the burden of radioactive emissions
24 threatens our health and maybe our lives if the truth were
25 known about the long-range effects of intermittent

1 radiation.

2 I am a mother of two beautiful girls and have
3 a mother's concern for the future generation -- their
4 health, their environment, the problems we leave on their
5 shoulders.

6 If HL&P really believes the Allens Creek
7 plant will be safe, let them do three things:

8 One, move the chief officers of the company
9 to the community in which the plant will be constructed.

10 Two, lobby for repeal of the Price-Anderson
11 Act. If nuclear power is so safe, they won't have anything
12 to worry about. Utility companies should be willing to
13 insure each other, if they fully believe in nuclear
14 power.

15 Three, let them live with the wastes that
16 their plant generates, but for which they have no safe
17 disposal system after 30 years with this problem.

18 Proponents say that they are on the side of
19 progress, that doom sayers protested the invention of the
20 airplane, the automobile, the telegraph and practically
21 every other invention right back to man's first use of
22 fire.

23 They say that life is a risk and that risks
24 must be taken.

25 Driving a car is a risk. Working at many jobs

1 is a risk. Getting out of bed is a risk.

2 I believe that there are fundamental dif-
3 ferences between the risk of nuclear power and the risks
4 to which we are already accustomed. I believe that
5 progress does not consist of lining the pockets of
6 utility company stockholders, but in making the world a
7 more humane and safe place.

8 Other energy resources should not be put on
9 the back shelf. Texas has an abundance of natural gas
10 and lignite and sunshine and wind, and various forms of
11 water power that could be given a much higher priority
12 for our future energy needs.

13 Nuclear power is capable of replacing only a
14 small percentage of our dependence on foreign oil. Nuclear
15 power is an unacceptable risk.

16 JUDGE WOLFE: Back on the record.

17 We will now proceed with the limited appear-
18 ance statements.

19 As I explained earlier, the limited
20 appearance statements are not taken under oath. The
21 statements are not evidence. The purpose of the Board's
22 hearing limited appearance statements is to alert the
23 Board to relevant and meritorious concerns or problems or
24 issues that the Board in that circumstance would direct
25 the parties to present evidence thereon.

1 The limited appearance statements, if oral,
2 are limited to ten minutes. Written statements may be of
3 any length, and if and when handed to me, will be given
4 to the reporter for incorporation into the record.

5 This morning during our recess a Mrs. William
6 Hardt -- Brenda Hardt -- read into the record, dictated
7 to the reporter, her limited appearance statement. And,
8 of course, it's now a matter of record.

9 I would now call first Robert Alexander.

10
11 STATEMENT

12 OF

13 ROBERT ALEXANDER

14 JUDGE WOLFE: Would you give your address,
15 Mr. Alexander.

16 MR. ALEXANDER: Yes. I'm a resident of
17 Houston. The address is 4327 Alconbury, Apartment No. 3.

18 Good morning. I want to thank you guys first
19 for deciding to hold these hearings here at the Law
20 School. It's very convenient for myself, and I'm sure for
21 some of the Intervenors.

22 First, I'd like to mention my background, why
23 I'm here, why I'm involved in these hearings. I came down
24 to Houston in July of '79 with the intent to teach sixth
25 grade in the Houston School District.

1 I became aware, upon my arrival, of this
2 licensing proceeding. I'm very much concerned about that.
3 Shortly thereafter, I did take certain attempts to become
4 an Intervenor in the proceedings, as I'm sure you're aware
5 of.

6 I was not successful, as I'm sure you're
7 equally aware.

8 I had little success because of my relatively
9 little background in these legal affairs. I have since
10 decided to correct that educational background. I taught
11 sixth grade for one year and then chose to enter a legal
12 career and am a student now at the University of Houston,
13 and hope to obtain the background necessary to competently
14 address these issues that you're dealing with.

15 You want to be alerted, I think, is your
16 objective -- to be alerted to any issues that should be
17 considered by the parties involved. I've got a few here.

18 First of all, as far as security measures go
19 at this plant, I'm concerned that the Applicant has not --
20 or I would like to be assured that they provide adequate
21 security measures.

22 This is a wild and wooly era we're in. Acts
23 of terrorism are fairly commonplace throughout the world.
24 Houston's very own crime rate has increased greatly in the
25 last decade. It will continue to do so as a growing sunbelt

1 city.

2 I think that's an issue that needs to be
3 addressed fully.

4 This proceeding itself I'd like to characterize
5 as a "David versus Goliath" arrangement. That needs to be
6 corrected. We have a small group of people -- Intervenors --
7 13 of them, I think, that are just hanging into this thing
8 by their bootstraps.

9 They can in no way put up the kinds of funds
10 and resources that the opposing party, the Applicant, does.
11 I feel it's incumbent upon the NRC to in some way provide
12 financial assistance to these people.

13 I think it is in your interest to provide a
14 sound record on this issue, to get all the evidence, get
15 all the facts correctly. And I think as this arrangement
16 is set up right now, that won't happen. I'm very skepti-
17 cal. It's a lopsided affairs, and it needs to be corrected.

18 My roommate is an Intervenor here. He can't
19 compete with these guys sitting at Applicant's table. He's
20 not making \$50,000 a year.

21 Also, I understand that the Brazos River
22 ultimately will be planned as a receptacle for not just
23 one nuclear plant, but two nuclear plants here in Texas.
24 The proposed Comanche Peak plant, if I understand cor-
25 rectly, will also be emptying its residual -- will be

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1 discharging from their cooling lake into that river.

2 And downstream this plant that's under pro-
3 posal here also will be dumping its excess into the Brazos
4 River. This is probably a unique situation so far ... an
5 untested situation.

6 I'm concerned that the Gulf of Mexico and
7 anybody downstream from Allens Creek -- the environment in
8 general in that area could probably suffer heretofore
9 unknown hazardous effects.

10 Once those effects come to light after both
11 of these plants are in operation is a little late to shut
12 it down. We're talking about a billion dollar investment
13 here at Allens Creek and at least that much in Comanche
14 Peak. It would be awfully hard to say to these utilities,
15 "Let's stop that."

16 Let's do more research on the carcinogenistic
17 effect of two plants dumping their coolant lake material
18 into that body of water.

19 An even tougher issue for me to address to you
20 guys is the matter of impartiality. As a tribunal I don't
21 feel that you people -- or at least the way the arrangement
22 is currently set up -- I don't feel you are competent to
23 address this issue and adjudicate on it in an objective
24 fashion.

25 Your job, as you're employed right now as I

1 understand it, is linked with the future of this technology.
2 And your jobs are linked, and a conflict of interest arises,
3 I feel.

4 I think that matter needs to be looked into.
5 It's a sort of stopper, I realize. But I would advocate
6 some other portion of the Federal Government setting up a
7 third party -- a more of an independent judiciary tribunal
8 to rule on this, because right now I think you're too close
9 to it to be objective on it.

10 I'd like to say a brief word about the Price-
11 Anderson Act and its connection with the industry. I'd
12 like to quote from Herbert Dennenberg (phonetic), who is
13 an Insurance Commissioner up in Pennsylvania -- at least
14 he was -- in regard to this legislation.

15 I quote: "The Price-Anderson Act is con-
16 tinuous proof that our present nuclear technology is not
17 safe enough to permit those who control it to be financially
18 responsible for its consequences."

19 This was dramatically illustrated at the hear-
20 ings of the Pennsylvania Insurance Department in August
21 1973. The engineer of one nuclear manufacturer claimed
22 that the technology was perfectly safe.

23 The lawyer of the very same firm insisted on a
24 limitation of liability, as contained in the Price-Anderson
25 Act. Thus, the nuclear establishment seems to be talking

1 out of both sides of its mouth at one side.

2 The public relations side says that nuclear
3 power is safe, while the economic side says that nuclear
4 power is not safe.

5 To quote a speaker that spoke out in Wallis:
6 "If the utility was sincere in its statement of plant
7 safety, they wouldn't need Price-Anderson."

8 I'm only a first-year student, I haven't had
9 common law yet. So I'm not an expert on constitutionality
10 of that piece of legislation. But at this point I have very
11 serious doubts about that.

12 I have had one semester of torts. In that I
13 was initially exposed to a judge named Learned Hand. I'm
14 sure at least Mr. Wolfe is familiar with him.

15 He had a formula regarding a person -- or an
16 entity's duty to society as far as protecting other people
17 in society. It's fairly simple; it's sort of algebraic,
18 but simple, nonetheless.

19 He said that if you multiply the probability
20 of an accident occurring by the potential liability that
21 would be incurred if that accident or thing occurred, that
22 would or should equal the burden of the person or entity
23 to prevent it from occurring.

24 If we apply that formula of this famous law
25 man to the case at hand, the probability has been claimed

1 to be miniscule, to be very small -- a catastrophic melt-
2 down.

3 They say that a whole pile of different factors
4 have to occur before you will see a class nine accident
5 with \$14 billion in damages. That figure alone -- or the
6 amount of probability is a figure that's in much doubt.

7 I move on to the matter of the liability.
8 I said \$14 billion; the potential is there. A recent
9 report said that a rural generating plant in South Carolina,
10 if it had a class nine accident -- a core meltdown --
11 6000 people would die, in the words of that report, of
12 acute radiation.

13 So the third element then would be the burden.
14 What should HL&P's burden be to prevent this possible
15 event from occurring, or to prevent damage to other members
16 of society?

17 The burden, as I see it, is not that great.
18 If they use the alternative form of energy -- coal -- the
19 catastrophic ... the element of liability would nowhere
20 come anywhere near that \$14 billion figure.

21 The burden is not great. They claim that
22 we need this transistionary source of energy, and that if
23 we don't have it, society as a whole will have a tremendous
24 burden of getting by.

25 Well, I disagree. I think Learned Hand would

1 disagree.

2 He would say that it would be an act of
3 negligence to operate an instrumentality, such as this,
4 that had the potential to do such vast damage.

5 I think that's all I have to say. I want to
6 thank you again for giving the citizens an opportunity to
7 present any issues they feel are meritorious.

8 Thank you.

9 JUDGE WOLFE: Thank you, Mr. Alexander. I
10 would -- in light of what you stated, the Board extends to
11 you and to all members of the public an invitation to
12 attend the evidentiary hearing.

13 We trust that all members of the public will
14 attend the evidentiary hearings, which will begin, at least
15 in part, sometime today, and certainly proceed with
16 expedition tomorrow.

17 We trust that all members of the public will
18 attend with the same open minds the evidentiary hearings,
19 as this Board with an open mind will hear the evidence.

20 And we trust that you will attend those
21 hearings.

22 The next speaker is Janet Krzykowski.

23 Good morning. Ms. Krzykowski, would you spell
24 your last name, please?

25 MS. KRZYKOWSKI: K-r-z-y-k-o-w-s-k-i.

1 JUDGE WOLFE: And your residence address.

2 MS. KRZYKOWSKI: We're residents of West
3 University Place. The address is 6352 Belmont.

4

5 STATEMENT

6 OF

7 JANET KRZYKOWSKI

8 MS. KRZYKOWSKI: I'm here today really as a
9 member of CAN-IT. A month ago we published a pamphlet
10 entitled "Nuclear Power - What Does It Cost? Who Pays?"

11 We distributed 3000 copies of it in the
12 Houston area, and yesterday it was distributed here.

13 HL&P chose to return in the afternoon with a
14 rebuttal to that pamphlet. The author of our pamphlet,
15 Bryan Baker, read it, found it shallow and childish and
16 would like to propose a debate or discussion of the facts
17 with the author of their paper and, in fact, with the entire
18 community.

19 We would like it to take place as soon as
20 possible, preferably within the week, and to assure the
21 community that we are very eager to substantiate all the
22 facts we cited in our pamphlet.

23 That really is my statement.

24 I had intended to come and speak just as a
25 citizen, but this came up. So ... thank you.

1 JUDGE WOLFE: Thank you.

2 Virginia Nelson.

3 Good morning.

4 Would you give your address, please, Ms.

5 Nelson?

6 MS. NELSON: Virginia Nelson, 2120 Buttonbush,
7 Woodlands. I'm from the League of Women Voters, the
8 Energy Chairman.

10 STATEMENT

11 OF

12 VIRGINIA NELSON

13 MS. NELSON: The League of Women Voters of
14 Houston recognizes the need for a viable nuclear option,
15 but opposes nationwide an increased reliance on nuclear
16 fission.

17 We emphasize the development and use of
18 renewable sources of energy and stress above all the
19 importance of conservation.

20 As an example of successful conservation and
21 to illustrate the flexibility of energy use, may we cite
22 Los Angeles.

23 When threatened by serious shortages after
24 the 1973 Arab oil embargo, the Los Angeles Department of
25 Water and Power set mandatory targets for reduction of

1 electricity use for all customers at 12 percent overall.
2 And to everyone's surprise, they achieved a 17 percent
3 drop in use.

4 Two years later, in May 1975, total
5 electricity sales were still eight percent lower than the
6 1973 level, though the crisis was long past.

7 Fairly recent events and studies have shown
8 the dangers and shortcomings present in nuclear power
9 plants and their regulators. This would seem to indicate
10 the desirability of siting plants away from heavily popu-
11 lated areas where possible.

12 Would it not benefit the industry, Houston
13 Lighting & Power, and the citizens of the Houston area
14 to seriously consider an alternative; i.e., increased
15 capacity at the South Texas plant, increased energy con-
16 servation in the area, an entirely different site, the
17 use of coal or some combination of these?

18 Thank you. We appreciate the opportunity to
19 make this statement.

20 JUDGE WOLFE: Thank you, Ms. Nelson.

21 David Rossi.

22 Would you give your address, please?

23 MR. ROSSI: Okay, if HL&P promises they won't
24 raise my rates.

25 6327 Glencoe, G-l-e-n-c-o-e. That's in

1 Houston. That's about three miles from here.

2 JUDGE WOLFE: Fine.

3
4 STATEMENT

5 OF

6 DAVID ROSSI

7 MR. ROSSI: I'm coming to this session because
8 I don't have any credentials to speak in the evidentiary
9 hearings.

10 As a matter of fact, my credentials are
11 limited and are basically, one, that I just have a desire for
12 a long life; and, two, I have a ten-year-old son whose
13 future I'm highly concerned with.

14 Also, at this hall in particular I feel I have
15 some credentials because I used to work here, at U of H,
16 in mechanical maintenance. I used to sit up there and take
17 breaks sometimes because I had keys to get in here.

18 But other than that, I'm just concerned about
19 the possible problems that might come up with the matter
20 that we're discussing.

21 I have some information and some concerns that
22 I would like to communicate to you as a member of my civic
23 club. And then I have some personal concerns.

24 As a member of my civic club, our main concern
25 is with nuclear waste. And very specifically we're

1 concerned with this because at the present time in our own
2 neighborhood, there is an operation -- a business that
3 stores nuclear waste, theoretically for transportation to
4 final disposal sites.

5 It's regulated by the State of Texas. I'm
6 sure you're familiar with the arrangements between the NRC
7 and the State of Texas concerning radioactive wastes. And
8 it's called Low-Level Nuclear Waste.

9 So it's really not directly pertaining to
10 these hearings. But there are some questions that come up
11 in relation to this: What is the ease with which operators
12 of the sort of business that exists in our neighborhood
13 can have their licenses amended?

14 And, of course, also the various special
15 interests that exist to affect the whole licensing process,
16 to deal with the problem of disposal of nuclear wastes.
17 And in this case, I'm talking about the wastes that are
18 generated by power plants.

19 We're concerned -- Our neighborhood is
20 concerned and our civic club is concerned, and we're very
21 vitally concerned with the possibility of a business like
22 this having its license expanded, if not to store it, to
23 act as a depot for the transportation of high-level nuclear
24 wastes from an original site to a final disposal site.

25 I'm sure you're familiar also with the

1 proceedings going on to obtain -- by the State of Texas
2 to obtain a final disposal site within the state. I'm sure
3 that has something to do with the planned construction
4 of nuclear power plants here.

5 The gentleman that runs the business, we've
6 had several discussions and meetings with him. He plans
7 to keep his business there as a depot. And he said -- and
8 we checked his license, and he's not currently licensed to
9 handle high-level wastes. But that's something that could
10 change.

11 So we're quite concerned about this. There are
12 no regulations governing the transportation of nuclear
13 wastes through populated areas that we are aware of.

14 Like I said, this is not -- you know, at
15 present it's low-level wastes, and it's not something that
16 is your immediate concern. But the possible expansion of
17 the operation, I think, should be something that you pay
18 attention to and something that would definitely be of
19 concern to you.

20 We don't even want the low-level wastes in our
21 neighborhood.

22 Incidentally, these businesses are licensed by
23 the State to possess quantities of plutonium and ana-
24 lesium (phonetic). I'm sure that you have the technical
25 background to understand what those materials are. They

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1 don't use them in a waste form. They use them to manufacture
2 medical and industrial radiation sources. But they are
3 licensed to possess quantities of both, and we don't like
4 that too much either.

5 The other thing that I want to address myself
6 to is the reactor itself. Now I'm speaking as an
7 individual, because our civic club has no position either
8 way -- pro or con nuclear energy as a power source.

9 I personally am opposed to it. I work as a
10 maintenance electrician, so I make my living from the
11 fact that anything that's constructed at one point or
12 another fails.

13 This is especially true with electrical cir-
14 cuits. And as everybody knows, at Three Mile Island there
15 were some failures along this line.

16 Those of you with backgrounds in physics, you
17 probably understand that there is a whole series of
18 laws that govern the operation and the failure of devices
19 and systems that deal with physical processes.

20 I don't know if you're familiar with a
21 certain law called Murphy's Law. But there's a variation
22 of it, and a sub-law, that's called Murphy's Law of
23 Multiples.

24 And that law states that if there are four
25 methods devised to prevent a failure of a system, and all

1 four methods are implemented, a fifth means -- or a fifth
2 way of failing will promptly develop.

3 That's not a rigid scientific axion, an
4 hypothesis. But it does in fact happen every time some-
5 thing is constructed.

6 I've had some experience with printing plant
7 processes -- process control activity, and also I work
8 as an electrician in transportation now in the railroad
9 industry.

10 Even the highest technology that produces
11 the best equipment ... the newest equipment cannot guard
12 against failure.

13 I know that we're talking about calculated
14 risks and weighing possibilities of failure, when we
15 talk about something like a nuclear power plant. And we're
16 talking about a company that doesn't want to particularly
17 have a failure because it's very expensive for them, as
18 the operators of Three Mile Island found out, and as the
19 ratepayers of Three Mile Island area found out also.

20 But the possibility of a failure of the sup-
21 port systems and the backup systems ... you know, in the
22 abstract and theoretically is very small, as is the
23 possibility of the failure of any electrical system, or
24 any combined pneumatic electrical system, which is what
25 exists in nuclear power plants, to my knowledge.

1 However, in the event of a failure, all the
2 theoretical possibilities vanish; and you just have the
3 fact of a failure.

4 And the Three Mile Island failure was --
5 what -- 30 to 60 minutes, I understand, from a total dis-
6 aster. And I just don't have the confidence that the
7 systems that have been designed and that are being worked
8 on now can guarantee that there will be no failure.

9 All it takes to eliminate the theoretical
10 possibilities and to eliminate all the evidentiary hearings
11 and everything else -- to eliminate their effectiveness,
12 is just one actual material failure.

13 And that's something that affects the lives
14 of the fifth -- in this case, the fifth largest city in the
15 country, and would be quite disastrous for everybody here.

16 Well, just to summarize: As a representative
17 of my civic club, which is the Gulf Manor Civic Club, we
18 are concerned about the possibility of high-level nuclear
19 wastes being allowed to be transported through our neigh-
20 borhood en route to their final disposal site, and
21 the possibility of businesses in our neighborhood having a
22 license to expand it.

23 And as an individual, I am very much con-
24 cerned with the construction of these power plants because
25 of the -- well, because of the unavoidable process that

1 occurs whenever something is put together, that it falls
2 apart. That's why I have a job.

3 That's about it. Thank you.

4 JUDGE WOLFE: Thank you.

5 Bill Taylor.

6 Good morning.

7
8 STATEMENT

9 OF

10 BILL TAYLOR

11 MR. TAYLOR: Good morning. My name is Bill
12 Taylor. I live at 1737 Sunset Boulevard, Apartment 25,
13 in Houston.

14 My first Texas forebearer came to Texas in
15 1837. But I don't feel like Senator Claghorn used to say
16 he felt. He said, "You know, my family has been having
17 trouble with immigrants ever since we came to this
18 country."

19 The wonderful thing about Houston is that there
20 are people who are having a voice -- Am I dead? Can you
21 hear me?

22 There are people who are having a voice in
23 these hearings who have been around here a long time, and
24 others who have not been here so long.

25 Perhaps some of us old-timers can tell them a

1 little something about Houston. The reason I am here is
2 because of the TV report last night that there were 13
3 intervenors last night and only two were in favor of the
4 establishment of this nuclear plant.

5 It's obvious from the nature of this type of
6 hearing that the adversaries are going to outnumber the
7 pros, but I thought maybe one more voice should be
8 entered.

9 I have no expertise in this field. I do have
10 a love of this city and a love of the country.

11 Now, the real subject of this portion of your
12 hearings is fear. And that is something that is in some-
13 what short supply in the Houston area. From my personal
14 knowledge I know that we have been in a continual boom
15 since at least the early 1930's.

16 We believe in getting things done. We don't
17 have that much government here. My feeling about
18 regulatory bodies in general, and utilities also, is
19 somewhat like Mr. Dooley characterized President Teddy
20 Roosevelt's feelings about the trusts.

21 He said, "They are great tedious benevolent
22 monsters. On the one hand I would strike them down. On
23 the other hand, not so fast."

24 Well, I have divided feelings about both the
25 principles in this hearing. And I'm aware of some of the

1 shortcomings of the NRC before the Ted Kennedy hearing.
2 I share the fears that grew out of the nuclear accident.

3 But I also share the fears that are more
4 common in this area: the fears of the kind of public
5 intervention and delays that made it necessary for the
6 Trans-Alaska pipeline to cost \$10 billion and take ten
7 years to construct.

8 I'm concerned as a man who used to write
9 copy for Brown & Root, as an employee of an ad agency,
10 that a company that has been at the business of pouring
11 concrete for 60 years and at the business of welding
12 big structural members and pipes for a good part of that
13 time, and who last year, because they're so good at it,
14 did two and a half times as much of that kind of business
15 as any other construction company in the country, should
16 be delayed for months and months because of their apparent
17 failure to meet the requirements on a nuclear construction
18 job.

19 One of the gentlemen talked about David and
20 Goliath. Well, I would like to point out that Goliath is
21 just as vulnerable as David to the actions of the regula-
22 tory bodies and amateur intervenors like myself.

23 It's my understanding that British Petroleum
24 almost went broke because they relied upon timetables for
25 completion of the Trans-Alaska pipeline that proved

1 illusory.

2 I'm happy that you gentlemen are holding these
3 kinds of hearings. I think they're very educational. They
4 remind me of an interview I did with Dr. Howston when he
5 was president of Rice University.

6 He was a protege of Millican, our great atomic
7 physicist at Cal Tech. Millican had one -- two prime
8 loves in life. One was science, and two, his conviction
9 of the necessity that the achievements of science and
10 technology be explained to the layman, so the layman would
11 move along with him.

12 I think it's quite evident in this area that a
13 great deal of success has been achieved along those lines,
14 since there are such a very few intervenors in opposition
15 to this plant.

16 I vote for it.

17 Thank you.

18 JUDGE WOLFE: Thank you.

19 Bill Oliver.

20 May I have your address, please?

21 MR. OLIVER: Bill Oliver, 1218 East Live
22 Oak, Austin, Texas.

23 ///

24 ///

25 ///

STATEMENT

OF

BILL OLIVER

MR. OLIVER: Like Mr. Taylor, I understand that this energy is moving pretty slowly, being as young as it is. But my concern is with the industry's relationship with -- its image of this wonderful energy, how they change the image as time goes by.

I remember back -- if you go back a little ways -- to the early seventies. Remember the advertising that Westinghouse had in some weekly news magazine offering a several thousand dollar reward if a person could locate a nuclear reactor in the state of Pennsylvania with a geiger counter.

Well, they don't run those ads anymore. And I remember as a very small child growing up with very profound figures, like one in a million chances of something like Harrisburg occurring.

Well, those kinds of figures aren't tossed around quite so freely anymore.

And I go back even farther and I remember that other great expression that brought us into this thing so overwhelmingly, enthusiastically.

That's why I took my power meter off the wall; I don't need it anymore, since Austin has 16 percent of

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1 Houston's first nuke, which is a Westinghouse reactor. Now,
2 I see a change in companies -- the General Electric. I
3 guess they want to spread that market around a little
4 bit. That's pretty nice.

5 Westinghouse is also a pretty experienced
6 builder. I guess they just want to try them all out. I
7 don't know.

8 Well, I sure appreciate that expression from
9 back in the fifties, the one that said by this time in the
10 eighties, it would be "Too Cheap to Meter."

11 Too cheap to meter, it's a guarantee.

12 Too cheap to meter, why it's almost free.

13 Too cheap to meter, with complete safety.

14 Too cheap to meter, is the power to be.

15

16 I write a letter to the NRC,

17 Why am I leaving with my family.

18 I still remember when the AEC

19 Promised the people they 'electricity would be

20

21 Too cheap to meter, it's a guarantee.

22 Too cheap to meter, why it's almost free.

23 Too cheap to meter, with complete safety.

24 Too cheap to meter, is the power to be.

25

1 Cheap cheap, cheap cheap, cheap cheap,
2 cheap cheap, cheap cheap, cheap cheap
3 Cheap cheap, cheap cheap
4 Cheap cheap (cheap cheap), cheap cheap
5 (cheap cheap) (eight times)
6

7 Too cheap to meter, said the president.
8 Too cheap to meter, he's so confident.
9 Too cheap to meter, say the industry.
10 Too cheap to meter, make us so happy.
11

12 Cheap cheap, cheap cheap, cheap cheap,
13 cheap, cheap, cheap cheap, cheap cheap
14 Cheap cheap, cheap cheap
15 Cheap cheap (cheap cheap), cheap cheap
16 (cheap cheap) . . . (eight times)
17

18 Then come the springtime of seventy-nine
19 The Susquehanna Valley almost did shine.
20 All of the businessmen of Three Mile Isle
21 Come to the people with their bankrupt smiles.
22
23 We're all out of money our insurance won't do.
24 We're too broke to pay it, you can pay it too.
25 They keep on cheeping like the little birds.

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They keep on cheeping while they eat their
words.

Singing too cheap to meter, it's a guarantee.
Too cheap to meter, why it's almost free.
Too cheap to meter, now e're so sorry.
Accidents'll happen, now quite hassling me.

Cheap cheap, cheap cheap, cheap cheap,
cheap cheap, cheap cheap, cheap cheap
Cheap cheap, cheap cheap
Cheap cheap (cheap cheap), cheap cheap
(cheap cheap)(eight times)
(Applause.)

MR. OLIVER: There's a fellow who lives in
North Austin who is doing a whole lot of running around
promoting this officially for the State. His name is
John Gordon. He used to work for Westinghouse back
when the STMP was sold to Houston.

He was a salesman, I think. Now, he's the
state's energy expert. He works for the government.

He was telling a symposium at the Community
College in Austin a couple of years ago -- we were talking
about whether to stay in or not because it keeps doubling
in price.

1 He was telling us that there's really no
2 cause for alarm as far as he and Westinghouse were con-
3 cerned. They had known all along what the price of that
4 reactor would be. It was no surprise at all to them.

5 In fact, he had a stack of documents that he
6 prepared back in '73 and another one a few years later.
7 The figures, he said, matched the reality of today.

8 And when it was opened to questions, a former
9 councilman, Margaret Hoffman, asked Mr. Gordon, "Mr. Gordon,
10 you were around making many a speech back then, pushing
11 this thing, saying how it's the best opportunity. You
12 knew all this information back then; you put this all
13 together. Why didn't you tell us?"

14 And he said, "Well, Ms. Hoffman, you never
15 asked." We just didn't ask the right questions.

16 And he said it was not his responsibility
17 working for the government, being our adviser -- it was not
18 his responsibility, nor was it Westinghouse's responsi-
19 bility, to tell the customer what the final cost was
20 going to be.

21 He said that the problem was over here in
22 Houston, at somebody's accounting department, that they
23 couldn't figure out what their product was going to cost at
24 the end.

25 It sounds like a pretty clear case of:

1 "Customer, beware."

2 And as far as Brown & Root is concerned, why
3 they should be -- why we shouldn't worry with all this
4 experience they have, why we shouldn't just let them go
5 right ahead ... well, I see that they've just got their
6 papers going again, their mixers rolling a few days ago ...
7 yesterday or the day before.

8 Well, gee, I guess that a few holes in the
9 wrong place is a terrible thing to hold people up for a
10 couple of years. Up in Indiana on the Ohio River at the
11 Marble Hills Reactor near Madison, they claim they have more
12 holes in their reactor than any other reactor in the
13 country.

14 And it's going around Washington that this
15 might be some sort of sacrificial lamb in the industry.
16 I don't know. It's kind of confusing, but ... it's a matter
17 of pride for me ... you know, to have 16 percent of that
18 STMP. They haven't even finished pouring all the concrete
19 yet. They can't claim that they have more holes than we
20 do.

21 They got concrete walls that are four feet
22 thick,

23 Except for the holes, 'cept for the holes.

24 So if anything leaks, it won't leak very quick.

25 Except thru the holes, 'cept thru the holes.

1 They got a concrete contract we're supposed
2 to believe.

3 But it's full of holes, it's full of holes.
4 There ain't nothing shaky, nothing up their
5 sleeves.

6 Except for the holes, 'cept for the holes.

7
8 They got holes in the walls where there
9 shouldn't be holes.

10 Got holes in the law where there oughta be
11 laws.

12 Got a whole lotta plans for the future
13 ahead.

14 And if they think I believe 'em, they got
15 holes in their heads.

16 Holes in their heads, holes in their heads;
17 holes, holes, holes, holes, holes.

18
19 Now, hold it. Let's take another look at
20 this "hole" situation.

21
22 When the fuel's dug up it leaves holes in the
23 ground.

24 Holes in the ground, holes in the ground.
25 And uranium tailings scattered around.

1 Scattered around, scattered around.

2
3 And when it's done its work, it goes back
4 in a hole.

5 Back in a hole, back in a hole.

6 And when the waste cools off, ain't nobody
7 knows.

8 Nobody knows, nobody knows.

9
10 There ain't nobody knows what we can control.
11 Just like nobody knows what the future will
12 hold.

13 There ain't nobody knows and it worries my
14 soul.

15 That something so solid should be so full
16 of holes.

17
18 So full of holes, so full of holes.

19 Holes, holes, holes, holes, holes,

20 Holes, holes, holes, holes, holes,

21 Holes, holes, holes, holes, holes.

22 (Applause.)

23
24 JUDGE WOLFE: Thank you very much.

25 MR. DOHERTY: I'm sorry to have to interrupt.

1 But I have to leave at 12:30, and I need to serve some
2 papers right today, because today is the day ... they
3 should go out today.

4 Would that be possible to do right now?

5 JUDGE WOLFE: Have you served the proper
6 number with the service in Washington?

7 MR. DOHERTY: I haven't served them on anyone
8 yet. They're due today.

9 JUDGE WOLFE: You will serve the original and
10 two copies on the Document Service Branch in Washington.

11 MR. DOHERTY: Yes. May I circulate them?

12 JUDGE WOLFE: Identify what each document
13 is when you hand it out. Read the titles and proceed to
14 hand them out to all parties.

15 MR. DOHERTY: All right.

16 It's one document entitled "John F. Doherty's
17 Contentions 51, 52, 53 and 54."

18 JUDGE WOLFE: You will obviously also serve
19 those on all parties that are not present this morning?

20 MR. DOHERTY: Yes. I notice the State of
21 Texas is not here.

22 JUDGE WOLFE: Not only the State of Texas,
23 but any other party that is not.

24 All right. We will go back to taking limited
25 appearance statements. Is there some problem?

1 MR. NEWMAN: No.

2 JUDGE WOLFE: George Smith.

3
4 STATEMENT

5 OF

6 GEORGE SMITH

7 MR. SMITH: Good morning. I'm George
8 Smith, 6014 Woodbrook in Houston, speaking as a citizen.

9 I appreciate listening to regular citizen
10 comments. I know that this is going to be a long drawnout
11 procedure from beginning to end.

12 I speak because I'm concerned about public
13 health and the economics for the ratepayers and the wise
14 use and care of our land.

15 I believe the Allens Creek plant is basically
16 unnecessary and unwise from many points of view. From the
17 economic point of view, it's a financial disaster for the
18 citizens of Houston.

19 The capital cost is huge. It provides maximum
20 leverage profit for HL&P and maximum cost to the present
21 ratepayers who will pay now and for the next 12 years,
22 before the plant ever runs.

23 In the event of a major reactor incident, the
24 ratepayers are asked to pay to clean up the damage. And
25 this could be so bad as to nearly bankrupt the company and

1 its customers.

2 Nuclear power is not cheap when all the costs
3 of enrichment and radioactive waste management and
4 catastrophic accidents are totalled up.

5 This plant will take years to license. I feel
6 that there are other alternatives really to be looked at
7 that are cheaper, safer and more environmentally sound.

8 Conventional plants could be built in half the
9 time with about half the money and half the controversy,
10 using either coal from out of state or lignite from Texas.

11 Municipal wastes could also generate a signifi-
12 cant portion of the increased needs instead of going to
13 industrial processed steam, as has been proposed.

14 I think that we should take a careful look at
15 the conservation alternatives as is proposed by the
16 Natural Resource Defense Council when they looked at
17 Seattle and the Bonneville Power Administration found that
18 there was an alternative to building new plants, that it
19 was cheaper to use conserved kilowatts rather than build
20 new structures.

21 This kind of conservation program here, with
22 energy audits in existing homes and businesses could lead
23 to conservation measures to reduce the energy demand growth
24 to levels that can be met with safer, more conservative
25 production.

1 A strong building code should be set so that
2 new homes and offices could be possibly twice as energy
3 efficient as they are now, using an active solar system and
4 improved insulation.

5 Our efforts at energy conservation in this
6 area of Texas are a joke. We have not yet begun to con-
7 serve.

8 We even sought special exemptions from the
9 Building Temperature Guidelines. I know this may not all
10 be germane to your particular field of interest, but I
11 don't believe this plant is necessary because we really
12 have not begun to conserve.

13 This plant should not be approved, in my
14 opinion, until a thorough study is made of the real alter-
15 natives to manage our energy growth and to provide safer
16 alternatives for power production.

17 I think there are serious problems with the
18 site that has been selected for the Allens Creek plant.
19 It just makes no sense from a land use perspective. It
20 takes valuable cropland out of production for the plant,
21 cooling lake and transmission lines.

22 The Bay City South Texas Project could easily
23 accommodate an additional reactor and save the farmers
24 from Houston all the way out to Wallis -- the farmland
25 for cultivation.

1 The site, because of its proximity to Houston,
2 is directly in the path of growth. It is irresponsible to
3 place the plant at the Allens Creek site based on the
4 predicted needs of an expanding population, which will
5 rapidly encroach so near the plant that there will be
6 very soon a large population too close to the plant for
7 reasonable safety.

8 This will, as we see now -- incidents will
9 occur. It's not exactly impossible to have radioactive
10 leaks and public health will suffer and we will see an
11 increased cancer incidence.

12 Thank you.

13 JUDGE WOLFE: Thank you.

14 Frances Pavlovic.

15
16 STATEMENT

17 OF

18 FRANCES PAVLOVIC

19 MS. PAVLOVIC: I live in Flatonia, Bellaire,
20 my address.

21 I want to try to bring up something new be-
22 cause I think we all have heard a lot of the arguments
23 that have been given this morning many times. And I have
24 been clipping news items for the past few months.

25 And the most encouraging thing that I have

1 found is the recent dedication of the Ridgevale Power
2 Plant in Ridgevale, California. This was September 12,
3 1980.

4 This power plant operates with a ten-foot
5 drop in the water. The water just falls ten feet, and the
6 power generated is sold to the Pacific Gas and Electric
7 Company under a long-term power purchase agreement, the
8 first of its kind.

9 And this type of turbine that is used in the
10 production of the power is a new thing. It has just re-
11 cently been patented, and I have known about it earlier,
12 but there was nothing in operation that we could point
13 to.

14 Now, that all this information has come out,
15 I think it is something that should be of interest to any-
16 one who wants to think we can use something other than
17 nuclear.

18 The company that makes these turbines is
19 called the Schneider Corporation. A lift translator is
20 what they produce, and it can be used in water or in
21 air, and can be made in the right proportions, depending
22 on the location.

23 This particular kind of water plant can be
24 used even in canals. It can be used in creeks and other
25 streams. So individual farmers or small communities that

1 have their own source of power.

2 And it also could be sold to larger companies.
3 So I think HL&P, if they could look into this, might find
4 a source which would supplement what they already have
5 without going into the nuclear problem.

6 When you get into the wind version of this
7 Schneider lift, it is a most continuous type of windmill.
8 It is not a round one, but a rectangular design, which
9 does not have to be feathered in high winds.

10 It can be used in almost any location where
11 the wind blows, even on tops of buildings. It can be
12 used in fence rows and farmers' fields.

13 This is something that is in operation and is
14 very practical. Farmers could, after they use the
15 electricity they need, they could feed the surplus into
16 the power grid, selling it to the utility company.

17 I would like to quote from a Dr. Melvin
18 Transberg (phonetic) who spoke to the Texas A&M Student
19 Conference on National Affairs. He is a Georgia Tech
20 professor and pioneer in the field of technical history.

21 He said: "Values, notions and ethical judg-
22 ment will be the basis of decisions on what technology
23 to use to solve mankind's problems."

24 And he says, "Engineers must use new methods
25 of solving problems and deal with solutions in our

1 system's ecological approach."

2 I think this means that we should use the
3 wind, sun and the water. It just seems to me that with the
4 rapid development of technology, power plants using nuclear
5 are just getting out of date already.

6 JUDGE WOLFE: Are you all right? Would you
7 like to rest for a moment?

8 MS. PAVLOVIC: I'm sorry, I'm just so nervous.
9 I'll get it out, but I'm sorry to subject you to this
10 emotional type delivery, but I just can't help it.

11 JUDGE WOLFE: Just rest for a minute, and
12 we'll start again.

13 All right.

14 (Pause.)

15 JUDGE WOLFE: Rest for a minute.

16 MS. PAVLOVIC: I read that people are going to
17 be able to have their offices at home. They won't have to
18 travel to central locations to work.

19 They're going to have photocells attached to
20 their houses. And it just seems to me that this is the
21 future for us. And this is the kind of thing that we
22 want to encourage and not continue to encourage something
23 that is going to saddle us with this other kind of
24 technology.

25 So I really don't think that we should have

1 this plant licensed, because by the time it would be in
2 production, these other methods would be so much more
3 prevalent. And if the same publicity could be given to
4 them, as has been given to this nuclear possibility, I
5 believe that within a short time, a big difference would
6 be noticed.

7 And it would make the difference for a lot of
8 people.

9 I guess that's about all.

10 I have some information, if anyone wants to
11 read it. I have all this information from the Schneider
12 Corporation.

13 JUDGE WOLFE: Thank you.

14 (Applause.)

15 JUDGE WOLFE: Tim McCarthy.

17 STATEMENT

18 OF

19 TIM MCCARTHY

20 MR. MCCARTHY: My name is Tim McCarthy. I
21 live at 3510 Maryneal in Houston.

22 I have written down some notes on what I was
23 going to say about my background in chemical engineering
24 and physics, and about the fears that I have about certain
25 things that are going to affect this plant, in particular,

1 waste disposal and waste transportation and things like
2 that.

3 And while I've been watching the witnesses
4 this morning, it struck me that it's not going to make any
5 difference at all.

6 So I'm just going to throw out my notes. I
7 don't think it's going to matter when you have a bunch of
8 gentlemen that are getting up and walking around and they're
9 not even paying any attention to the witnesses that are
10 getting up here.

11 The State of Texas didn't even bother to show
12 up today. You gentlemen are sitting back and looking
13 bored. And at times you're not even paying attention to
14 the witnesses.

15 And so it seems to me that it's not going to
16 make a bit of difference what any of these people say
17 about anything. These notes that I made are not going to
18 make a bit of difference.

19 Thank you.

20 JUDGE WOLFE: Laura Oren.

21
22 STATEMENT

23 OF

24 LAURA OREN

25 MS. OREN: My name is Laura Oren. I live at

1 819 Merrill Street, M-e-r-r-i-l-l. And that's here in
2 Houston.

3 I came partially because in reading the
4 "Houston Post" the other day, I read about the Wallis
5 hearings. And according to the "Post," the lineup seemed
6 to be mostly women that were mothers -- or women of child-
7 bearing age, who spoke against the proposed project, and
8 men who spoke for it.

9 That made me very nervous, because I have
10 noticed that women and mothers generally lose. So I
11 thought that that was a bad omen.

12 The odds are a little better today, I'm glad
13 to see.

14 It also made me hesitant on how to introduce
15 myself. I'd like to introduce myself in several different
16 ways.

17 I have been trained and worked as an historian
18 for many years. My field of expertise was modern industrial
19 England, and specifically the process of industrialization.

20 In the process of that training, part of what
21 I studied and wrote about was the prices that people pay
22 for technological advances, and how it was determined who
23 would pay the price ... who would lose, how it controlled,
24 where it was not controlled, in the case of industrial
25 England.

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1 And that concerns me here too. Again, we're
2 faced with a technological advance, and we're faced with
3 the opportunity to determine who loses, who pays the
4 price, who gains and how it is controlled.

5 That's one perspective that I bring.

6 Another is as a recent law graduate, not yet
7 licensed -- I haven't taken the Bar yet, I hope to be a
8 practicing attorney in this state very shortly.

9 But as a law school student I was trained in
10 rationality, a different kind of rationality than I was
11 trained in as an historian in assessing rationality. And
12 that raises some concerns that I'd like to talk about a
13 little bit too.

14 Also as a citizen. I've lived in Houston for
15 seven years. I'm a ratepayer; I'm a home owner; I'm a
16 customer of HL&P -- a happy customers, as we all are.

17 And that raises some concern.

18 And, finally, yes, indeed, as a woman and as a
19 mother of a 1 1/2-year-old child who was born here in
20 Houston and whose future I am concerned about.

21 I'd like to say that as an historian one of
22 the lessons that I learned there, even if I wasn't a
23 mother, is that what past generations do affects future
24 generations. I mean there is a cause-and-effect
25 relationship.

1 And, therefore, you cannot be unaware of the
2 future, in fact.

3 From all these perspectives, the two things
4 that I'm concerned about are the same things that everybody
5 is who has spoken in opposition. One is the waste dis-
6 posal, the question of transportation, storage. Clearly,
7 there is no adequate scientific industrial process yet
8 that could reassure us about the safety of transportation
9 and storage.

10 I'm particularly concerned about it since I
11 have seen published in the media maps -- cancer maps of
12 the United States which show clusters of incidents of
13 certain kinds of cancer.

14 And Houston -- I don't remember the particular
15 cancer, unfortunately -- but Houston and this area
16 generally ... the Gulf Coast area here -- was already high
17 in the incidence of a kind of cancer that can be or some
18 people relate to occupational causes already.

19 So already stated at a disadvantage, and
20 here we're talking about increasing that disadvantage still
21 further.

22 I'm also concerned because the history of this
23 industry--the atomic energy industry in general is not one
24 which leads me to feel confident that those people who are
25 responsible can be trusted with that responsibility.

1 I was a high school student back in the days
2 of the AEC, when the AEC had the joint responsibility both
3 for promoting the nuclear industry and to regulate it.
4 I was in a special program as a high school student -- an
5 honors program, a science program -- where Glen Seaborg
6 (phonetic), who was the first Chairman of the AEC, came to
7 talk to our class.

8 Really, what this program was designed to do
9 was produce a group of high school students who would then
10 go on to higher education and become active workers in the
11 atomic energy field.

12 And I remember the whole attitude -- the
13 enthusiasm, the boosterism. And since that time, what has
14 come out in the media about accidents, about the testing
15 that took place and that core contamination and yet
16 people in the Southwest area were not told about the
17 contamination.

18 When you put these two things together -- the
19 enthusiasm and the boosterism, the history of that, and
20 the history of also the feeling -- the kinds of problems
21 that did arise, that just does not make me very confident
22 about what's going on now.

23 Now, I understand that those two functions have
24 now been divided -- the function of promotion of the
25 industry and the regulation of the industry.

1 I applaud that.

2 However, this is a long history of a certain
3 kind of attitude. I just can't feel the confidence that
4 the enthusiasm still doesn't override caution and
5 responsibility for regulating. That concerns me.

6 And again, what everybody has said here, as a
7 ratepayer for HL&P, I have no confidence in HL&P's sense
8 of responsibility. They have a wonderful passthrough
9 arrangement.

10 As people have mentioned before, they can
11 pass on the costs of construction, even prior to
12 actually giving us the benefit of any of the electricity
13 produced.

14 They have not shown a history of
15 responsibility ... concern about the ratepayer. So that
16 makes me nervous.

17 And also the gentleman who talked about
18 Brown & Root being unhappy that they were unnecessarily
19 delayed. Well, again, that doesn't give me much con-
20 fidence, when there are allegations of intimidation
21 and interference with safety inspectors. And in fact, the
22 project was held up because of defects. That doesn't make
23 me very confident.

24 So the last thing that gives cause -- the
25 final thing that gives cause is it doesn't even seem

1 economically rational.

2 Again, I have seen in the media and also
3 talked to a relative of mine who is a health safety
4 engineer at a utility -- a nuclear power plant -- there's
5 an enormous amount of down time in all existing and
6 operating plants.

7 I think it's up to 50 percent of the time,
8 just based on his experience, because whenever the reactor --
9 there's two reactors where he works, so that one can
10 function while the other is down.

11 But he is there -- I mean I would say whenever
12 there's down time, he's on sort of an 18-hour shift. And
13 that's about 50 percent of his time.

14 None of the reactors have worked anywhere
15 near up to capacity. That means this is an economically
16 irrational choice. This is a very expensive and very
17 inefficient form of energy production, which has yet to be
18 proven.

19 And again, I wonder what we are doing invest-
20 ing in this type of energy source. It particularly con-
21 cerns me because although this is a private profit type
22 of enterprise -- that is, ~~the~~ will make money off of it,
23 private profit -- it is not private enterprise.

24 The atomic energy industry has never been
25 private enterprise from the very beginning. It has been

1 fostered, subsidized, encouraged, promoted and regulated
2 by the government.

3 Somebody mentioned the insurance arrangement.
4 That's a form of subsidy. Without that act passed by
5 Congress which guarantees limited liability, these firms
6 wouldn't be in this business.

7 And consistently all along the way there has
8 been this type of government participation. Now I'm not
9 criticizing government regulation at all, by no means.
10 I think ... you know, we need it.

11 And when we talk about something like this ...
12 all I'm saying is that this is not private enterprise; it
13 is private profit.

14 And it is something that as a community or as
15 a society, we have participated in. Therefore, we have a
16 right to say what kinds of economic choices should be
17 made. We're paying for it. We're suffering the health
18 costs. We're also paying for it, promoting and structuring
19 this industry.

20 And as a result, I think that we should de-
21 cide that it is not in view of the evidence economically
22 rational and there are other choices which would be more
23 economically rational than we can accept.

24 Thank you for this opportunity.

25 JUDGE WOLFE: Thank you.

(Applause.)

JUDGE WOLFE: I have Brenda Hardt's name written down here, but it's my understanding that she has already given her oral statement to the reporter.

Mary Reinicker.

STATEMENT

OF

MARY R. REINICKER

MS. REINICKER: I am Mary Raleigh Reinicker, and I'm the wife of Lester Reinicker, Route 1, Box 230, Wallis, Texas.

I am here to represent myself and 430 neighbors, most of them within eight to ten miles -- and some of them are even closer than that area.

And then we have a few of these that we have contacted -- local persons contacted -- that are in the Katy area. I would say that that would be the farthest away. It might be 20 miles away from the site -- that I represent.

I would like to know if I can represent myself and these people in this before I go on. I want to say that "We, the undersigned, believe that nuclear power has not shown itself to be a safe form of energy. We are not convinced that the dangerous radioactive materials can be

1 safely contained during the normal operation of the nuclear
2 plant. We are further afraid that a serious accident
3 could occur, causing a terrible loss of human life and
4 making a massive portion of the land and the area unin-
5 habitable for many years. In the best interest of our
6 safety, we, therefore, strongly oppose the construction of
7 Allens Creek Nuclear Generating Station in Wallis,
8 Texas."

9 I myself am a real objector. I am not an
10 intervenor. I'll say that I'm merely a grandmother, and I
11 have no intentions of even being in this business of
12 opposing anything. I came up to Wallis with my husband
13 because I thought that the people from Houston Power &
14 Light and the Regulatory Board were going to enlighten us
15 on the things that are going to satisfy us that we could
16 live with this thing, that it was going to be safe.

17 Now, I myself am truly afraid of nuclear
18 power being used here. I was opposed to it ever being
19 dropped and things.

20 But I feel today as though we are -- we do
21 have Hiroshima power that we're trying to say that we out
22 here are -- we're going to use; we're going to try to tame
23 down.

24 Now, I think that maybe some of you know that
25 it can be tamed down, but I don't. And I came up there

1 expecting some of you learned people to convince me. I
2 didn't have any idea that I was going to even think about
3 opposing my friends, because they truly are my friends.
4 Everyone that you heard express an idea that this is going
5 to be a good thing for Wallis and this is going to be a
6 good thing for the area, they are my everyday people that
7 I meet and say howdy to.

8 And I am personally just really relating to
9 them in their thinking usually, and I know that they think
10 they are doing the right thing. But they're not taking
11 into consideration the real seriousness of what actually
12 might happen, if it did come to that.

13 And the fact that the Board knows that this
14 Three Mile Island happened, and it actually did happen, and
15 it came nigh on to being a fatality there and all of those
16 things -- now we could take this Final Statement --
17 Houston Power & Light could take this Final Statement and
18 they could go up there to Allens Creek and maybe those
19 people will think, "Well, now, Wallis is going to be
20 getting all the good out of this. Why don't we just jump
21 in there now, and we'll just build it up here?"

22 They would not be able by the law of the
23 United States to sell this to anybody. You cannot build
24 this thing anywhere in God's world -- it's my understanding
25 that we are the only people that can build this thing.

1 Now, if it can't be built anywhere else in
2 Texas and the United States ... then let's just don't build
3 it at Wallis.

4 (Applause.)

5 MS. REINICKER: If we know that there is just
6 the slightest chance that we might have a meltdown, I
7 beg you Board to reconsider and let's put in that we're
8 going to take every possible caution.

9 Now, I may be losing this fight. But really
10 and truly, I'm not going to lose it, because I'm going to
11 pass on to you that are hearing me the responsibility of
12 if it should ever happen, you did it, not me, and not the
13 persons -- these 430 people.

14 And mind you, these 430 people were people
15 that were trusting the leaders. They were trusting their
16 friends that had studied this out. They were trusting
17 you, Houston Power & Lighting, that you wouldn't do this
18 to us, that you would take absolutely every precaution.

19 I myself went up there and heard talk -- and
20 I expected you to have your learned people out there to
21 enlighten me and tell me that my fears were not based on
22 anything but my just grandmother senility.

23 But I went away -- I went home and I laid down
24 on my bed and I cried. I really did. I was so broke up,
25 just like this lady was while ago. I was that broke up.

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1 And then I got up and I was mad. I was
2 terrifically mad. "Have you gone to the point that you are
3 that far out of step with the world at this age? Do you
4 just not know what your neighbors are thinking and doing
5 and asking?"

6 I told my husband, "I'm going to get up and I'm
7 going to call ten people."

8 And so I started out calling old grandmas like
9 me.

10 And I said, "Now" -- I hadn't discussed this
11 with them before, not a single solitary one of them. I
12 called a few, and they were all just like I was. They
13 were trembling. They didn't understand nuclear power, and
14 they were afraid. They had heard about Three Mile Island
15 and they had heard about Alabama and all the other things
16 that I'm not going to mention that have been hashed over
17 so many times.

18 And they stood with me, but they just didn't
19 think -- they just thought that the leaders knew better,
20 and they wouldn't do that to us. They thought you learned
21 Houston Power & Lighting people that have served us -- and
22 God knows you've given us every kind of a bargain in the
23 things that you bring to us.

24 They knew that you were going to do right
25 by them. They didn't think that you would risk killing

1 our children, risk killing our countrysides and our animals
2 and what not.

3 So they just stayed home. They didn't think
4 that they -- They thought that they could read it in the
5 media and know what's going to come of all of it and all
6 the good.

7 Well, I called about five of them; and they
8 all agreed with me that they felt just like I did, they
9 were frightened and they didn't think it was going to be
10 the thing to do.

11 And so I said, "Well, this is not right. I'm
12 picking friends that I know might be thinking along my
13 lines."

14 And I just handed the Wallis phone book to
15 my husband, and I said, "Pick someone out so I don't know
16 who I'm going to talk to. Pick somebody young."

17 And so I did. And I picked young.

18 Well, instead of calling ten, I called 12.
19 I called 12 people that I hadn't discussed this with, so
20 help me God. I had never discussed my views with them.

21 They didn't know but what I was A-number-one
22 for everything that was going to happen. I didn't know
23 that I wasn't going to be A-number-one for it.

24 I called these 12 people, and out of those
25 12 people I met with one of my neighbors ... one -- only

1 one out of 12 that says, "We do truly need electrical
2 power to aid us along the way. It's progress. We know
3 that it's dangerous, but we have to face dangers."

4 One out of 12. All of the other 12 said,
5 "No, ma'am. If we have to turn the lights off, if we
6 have to stall our cars, if we have to work for months to
7 find some other type of power, we still can't take that
8 risk, unless they can show us specifically that we will
9 not have this thing -- that we will not have this threat
10 to us and the coming generations that will be going on
11 after we are gone."

12 And now we have had -- I tried to stay at
13 your hearings in Wallis. I intended to speak there. I
14 didn't want to speak to the people of Houston. But I do
15 know that -- I am neighbors to Houston, and I do know
16 that should we have a meltdown, you will die just as fast
17 as I will.

18 I do know that it is a concern of Houston and
19 all the area -- and even the area far beyond that. I
20 do know that the beautiful lands out there, the pecan
21 orchards, the Brahma farms, the breadbasket of all the
22 land where we just raise corn and maize and rice and
23 most importantly of all, children -- are severely en-
24 dangered.

25 I beg you -- don't have anything -- do not put

1 in -- If you do win out and have to put a nuclear plant
2 out there, do not let them put this Mark Three in out
3 there, no matter what it costs us ... no matter what it
4 costs us.

5 Do not let them get by without using the
6 experience of Three Mile Island, of Alabama, of all the
7 other catastrophes that we just missed.

8 This is really a dangerous thing, and I truly
9 beg you to be serious -- I mean be extremely serious with
10 it.

11 Now, it's not a thing that we can play around
12 with. I may be truly wrong. Please take the time to prove
13 me wrong before you do it.

14 I love everyone of the people that spoke for
15 in Wallis and against in Wallis. I'm a friend to most of
16 them. And I hope that after this, I'll still be a friend
17 to them, because I do believe that friends can have
18 different ideas and still be friends.

19 But if I won't be a friend to them, if I
20 am not a happy customer to you, Houston Power & Light,
21 after this, if you hold any grudge against me because this
22 is my moral conviction -- and I have 430 more that we have
23 gathered just in two evenings with children hanging to
24 most of their mothers' coattails, and I as a grandmother
25 have one of those --

1 One of those evenings I had my two grand-
2 children hanging at my coattail. So we have not 430
3 very, very interested persons --

4 I left home last night, and I had about six
5 or eight coattails saying, "Mary, please come by," and
6 they signed the petition.

7 JUDGE WOLFE: Ms. Reinicker, are you nearly
8 finished?

9 MS. REINICKER: Yes, I'm finished.
10 Thank you for listening.

11 (Applause.)

12 JUDGE WOLFE: Thank you, Ms. Reinicker.

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1 JUDGE WOLFE: Craig Foster.

2 STATEMENT

3 OF

4 CRAIG FOSTER

5 MR. FOSTER: My name is Craig Foster. I live
6 in Houston at 4510 Briar Hollow Place.

7 I have to apologize. I don't have a prepared
8 text. I came here to listen on my lunch hour to see what
9 everybody had to say, but I have emerged to speak my own
10 mind.

11 Given the present economic and political
12 situation, given that we have a new administration in
13 Washington that's conservative, perhaps pro business, and
14 given the strength of the construction industry in this
15 particular area of the country, I can't help but feel that
16 the power plant will be built.

17 I'm not saying that's the way it should be --
18 as a matter of fact, I hope it isn't, but that's probably
19 what will happen. It occurs to me that it is not in HL&P's
20 short-term interest to build a safe plant. That it's
21 certainly not in the construction industry's short-term
22 interest to build a safe plant. But it is very much my
23 long-term interest, and those of my children, that it be
24 a safe plant, and I see very little assurances that it
25 will be built to current technological standards.

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6-2 1 I consider nuclear energy to be a necessary
2 stop-gap measure to solve the energy problems this country
3 will have over the next 50 years or century, and I hope
4 that we don't have to pay too dearly for having this energy
5 that we will need for the next 50 years or whatever.

6 So I'm making a principal appeal to you that
7 you do enforce the necessary regulations and technical
8 standards, because I don't believe that HL&P and the
9 construction firms will necessarily volunteer themselves
10 and avail themselves to build the plant as safely as it
11 could be made.

12 That concludes what I have to say.

13 JUDGE WOLFE: Thank you.

14 Are there any other limited appearance
15 individuals in the audience who wish to make statements?

16 MS. HARDT: If I may be heard.

17 JUDGE WOLFE: Come forward to the microphone.

18 MS. HARDT: I have my statement to the
19 recorder in the other building, but I might continue? I
20 did not know I would get a chance to speak to you directly
21 and I would really like to be able to directly address you,
22 not with the same material, but just a little bit more.

23 JUDGE WOLFE: Yes. Approximately how many
24 minutes did you use up while you were dictating into the
25 record?

1 MS. HARDT: Well, double spaced there was
2 three pages, so I would guess it would only be four or
3 five minutes.

4 JUDGE WOLFE: Okay. You will sti'll have five
5 minutes then.

6 FURTHER STATEMENT

7 OF

8 MS. BRENDA HARDT

9 MS. HARDT: Thank you.

10 JUDGE WOLFE: Your last name is spelled
11 H-a-r-d-t, and your address?

12 MS. HARDT: My address is 4907 Paris in
13 Houston.

14 I have been in Houston all of my life, born
15 here, and so I have been here for 30 years, all the 30
16 years off and on, but most of my life, and I have seen the
17 growth of Houston. It has grown in all directions. I have
18 lived in the western part of Houston, and I have seen
19 particularly the growth there.

20 Houston seems to have embraced this idea of
21 progress that bigger is better. I have seen the size of
22 homes that the western part of Houston is dotted with three
23 and four thousand square-foot homes, and I just wonder what
24 it is costing them to cool those homes in our terribly hot
25 summers.

6-4

1 There's lots of industries that are locating
2 in Houston, and hundreds of thousands of people in this
3 western part of Houston within 25 miles of the proposed
4 Allens Creek plant.

5 I have grave doubts about the safety of
6 nuclear power, and really wonder why when it is so unsure
7 just how safe they really are -- we don't know those
8 figures -- why we would build such a plant near such a large
9 metropolitan area that is growing in that direction.

10 Quite awhile ago nuclear proponent Edward
11 Teller proposed that nuclear plants be built underground.
12 That tells me what his confidence about nuclear power is.

13 I can only guess that the reason that was
14 abandoned was because it would be too costly.

15 I am a big proponent of conservation. I
16 really don't see that we need more power, if we would just
17 learn to conserve what we do have.

18 The kind of plant that HL&P -- the kind of
19 reactor -- the GE boiling water reactor -- I looked up the
20 figures on its operational performance. All the GE
21 boiling water reactors have only a 59 percent production --
22 capability, only 59 percent of what they are built for.

23 This was in a report.

24 Also, I asked a long-time friend of my hus-
25 band's, who is a nuclear engineer and was the commander of

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1 atomic subs for many years -- I asked him about the GE
2 Mark III reactor.

3 He told me that he would certainly not feel
4 comfortable or safe working with or near that kind of
5 facility.

6 I would like to say that in 1980 there were
7 eight states that were involved in casting votes about
8 whether or not they wanted nuclear power or not. There
9 were six million Americans in those eight states that cast
10 votes.

11 The results were that 52 percent do not favor
12 nuclear power.

13 Now, I know that Houston is in a big boom.
14 We have seen progress. There has just been nothing to
15 stop us.

16 And so the general mood is "Let's have more
17 and more and more. We're going to keep growing, and this
18 is great."

19 But I'd like to say: "Why is bigger always
20 better? Why don't we step back and see what is really
21 progress. Is it just more consumption, or is it a better
22 quality of life?"

23 So many of the nuclear advocates talk about
24 that we have to have risks in order to proceed. I'd like
25 to quote Dr. John Goffman. I agree with him in his belief

1 here.

2 "It is absolutely true that we cannot have a
3 risk-free society. And since that's the case, we should
4 recognize that those who produce hazards for others must
5 be fully prepared to take the financial consequences of
6 the risks."

7 This rule does hold true among individuals.
8 And a corporation or the government should not be allowed
9 to assume the rights which individuals do not have to
10 aggress against others. Yet, nuclear power is currently
11 absolved from any responsibility of its actions by the
12 Price-Anderson Act.

13 Moreover, the entire concept of a benefit
14 versus risk doctrine is immoral. There is no benefit to
15 society that can justify the forceful imposition of risk
16 or threat to individuals.

17 Indeed, there is a straight path in accepting
18 the benefit versus risk doctrine for society as a whole
19 to the philosophy we saw in Nazi Germany.

20 My final statement is to ask that you please
21 consider the hazardous -- the class nine accident when you
22 have a construction permit hearing and don't wait to
23 consider these accidents and their possible effects after
24 the plant has been built -- after the ratepayers' money
25 has already been spent and the plant is sitting there and

1 then you hear about -- you consider those with the operat-
2 ing permit.

3 Please reconsider and consider that in your
4 hearing at the time of the plant proposal.

5 Thank you.

6 JUDGE WOLFE: Thank you.

7 Are there any other limited appearance state-
8 ments to be made this morning?

9 (No response.)

10 JUDGE WOLFE: It is now 12:20. We will now
11 turn to discussing preliminary matters with regard to the
12 evidentiary hearing which we are now turning to, in the
13 absence of any additional limited appearance statements.

14 First of all, I would ask the parties --
15 beginning at my left and to my right, to identify them-
16 selves for the record as we now begin the evidentiary
17 hearing.

18 MR. NEWMAN: Yes, sir. This is Mr. Newman,
19 representing the Applicant, Houston Lighting & Power
20 Company.

21 Mr. Greg Copeland of the law firm of Baker &
22 Botts, Houston, Texas; myself and Mr. David Raskin from
23 the law firm of Lowenstein, Newman, Reis & Axelrad in
24 Washington, D. C.

25 I would also note the appearance of Mr. Thomas

1 Bittle, also with the law firm of Baker & Botts, and repre-
2 senting the Applicant in this proceeding.

3 MR. BLACK: I am Richard L. Black, attorney
4 for the Nuclear Regulatory Commission.

5 MR. SCOTT: I am James Scott representing
6 the Texas Public Interest Research Group.

7 MR. DOHERTY: I am John F. Doherty, Intervenor
8 against the Allens Creek plant.

9 JUDGE WOLFE: I would ask the parties
10 collectively -- you may answer individually -- do you know
11 whether today any of the other Intervening Parties will
12 be in attendance.

13 Does anybody know?

14 MR. DOHERTY: I'm sorry, I do not know the
15 answer to that. I have not heard whether anyone will or
16 will not, sir.

17 MR. SCOTT: I, over the last couple of days,
18 have talked to all of them. And I can't swear that any of
19 them will be here. But most indicated they would try to
20 come today or tomorrow.

21 JUDGE WOLFE: All right.

22 I would note for the record that in our Order
23 of November 25, 1980 scheduling this hearing, in a footnote
24 to that Order, we stated that during any lulls in the
25 taking of limited appearance statements on January 15, 1981,

1 the Board will proceed to hear evidence upon environmental
2 matters.

3 Again, this was -- The Board advised the
4 parties during the course of the December 2, 1980 pre-
5 hearing conference that indeed we would in any lulls in
6 the taking of limited appearance statements proceed to the
7 evidentiary hearing on January 15, 1981.

8 And further, this was memorialized in our
9 memorandum and order dated December 16, 1980.

10 We will now consider any preliminary matters
11 that the parties wish to bring to the attention of the
12 Board, if there are any.

13 MR. NEWMAN: We have no matters to bring
14 before the Board at this time.

15 JUDGE WOLFE: Mr. Black?

16 MR. BLACK: The Staff has no preliminary
17 matters.

18 JUDGE WOLFE: Mr. Scott?

19 MR. SCOTT: I'm afraid I've got a number of
20 them.

21 JUDGE WOLFE: Mr. Doherty, do you have any-
22 thing?

23 MR. DOHERTY: Yes. And I do have to leave
24 soon.

25 I would like to inquire of the Board if they

1 would determine if every person who has attempted to
2 intervene was mailed a card indicating that they could
3 present their limited appearance statements this week?

4 I do know that one who did speak did receive
5 such a card. But I do not know if all did. I would
6 appreciate an inquiry to determine if that was done.

7 JUDGE WOLFE: I think you used the wrong
8 terminology, Mr. Doherty. Do you want to know whether
9 cards have been mailed to petitioners for leave to inter-
10 vene so that they could make statements? Isn't that what
11 your question was?

12 No cards were mailed to petitioners for
13 leave to intervene. You mean people who wished to make
14 limited appearance statements? Is that your question?

15 MR. DOHERTY: No, sir. Actually there were
16 many who filed for leave to intervene, but did not re-
17 ceive intervenor status. They were given, in lieu of
18 that or it was stated that they had 2.1715 rights.
19 That's one group.

20 There have also been others who simply
21 mailed in the various cards. This inquiry is to how
22 extensive the postal -- the way it was done.

23 JUDGE WOLFE: I'm unaware of that. I do
24 know that the Docketing and Service Branch in Washington
25 mails out these cards. I don't know to whom they were

1 mailed. I don't know anything at all about it, except
2 that this procedure is followed.

3 I cannot respond to your question. All that
4 I can note is that the public affairs office sent out
5 notifications to the newspapers in the Wallis-Rosenberg
6 area and in the Houston area.

7 The newspapers to my knowledge have pub-
8 lished various articles, and perhaps other people at
9 counsel's tables can affirm that the newspaper articles
10 did notify people that limited appearance statements would
11 be heard in Wallis and here in Houston.

12 Beyond that I can go no further.

13 MR. DOHERTY: Well, the main thing was as to
14 what the Commission Docketing and Service had done. Perhaps
15 Mr. Black could help us with that.

16 Could you determine if Docketing and Service
17 did or did not do this? I'm not saying they have to.
18 I'm just curious

19 MR. BLACK: I would disagree with what Judge
20 Wolfe indicated to you. It is Commission practice that
21 when a letter comes in requesting a limited appearance
22 statement, I believe a letter goes back out to that
23 person indicating the time and place.

24 They merely confirm the fact they have re-
25 ceived requests to make a limited appearance statement.

1 But by and large, the people that sought
2 intervenor status before and were denied for whatever
3 reason, I think -- at least I'm aware of several people
4 that remained on the Docketing and Service list and did
5 receive announcements of the opportunity to make limited
6 appearance statements.

7 But, otherwise, if they were not on that
8 service list, they would have to receive notice of the
9 limited appearance statements through the media.

10 MR. DOHERTY: Can you inquire for me of
11 Docketing and Service if all persons were sent or not?

12 MR. BLACK: That question is a little am-
13 biguous because I don't know what you mean by "all
14 persons."

15 MR. DOHERTY: All persons who sent letters
16 to the Commission protesting.

17 JUDGE WOLFE: Let me break in right now. We
18 are in the evidentiary portion of the hearing ... in the
19 middle of the limited appearance question.

20 My suggestion to you, Mr. Doherty, is to
21 write directly to Mr. Jay Stephens and inquire of him
22 what has been done.

23 MR. DOHERTY: Thank you, sir.

24 JUDGE WOLFE: The next thing -- Do you have
25 anything more, Mr. Doherty?

1 MR. DOHERTY: No, not at this time.

2 JUDGE WOLFE: All right.

3 Mr. Scott, I take it that you have several
4 matters to discuss at this point.

5 MR. SCOTT: I wish --

6 JUDGE WOLFE: May I inquire as to number so
7 I can get some idea as to whether we should recess for
8 lunch and then come back at two?

9 MR. SCOTT: Well, probably. But I can do
10 part of it right away. It won't take much time.

11 JUDGE WOLFE: All right.

12 MR. SCOTT: The first thing I would like to
13 do -- and this won't take long -- is to just ask if it
14 would be possible for this Board, if in fact it has learned
15 there is a considerable number of people who want to make
16 additional limited appearance statements, and either
17 thought they had to write in and ask --

18 There's a lot of people I've talked to who
19 thought -- or didn't receive a notice in the last week or
20 two telling them that they could speak -- if it would be
21 possible, if they want to go to that trouble to speak
22 during the period of the evidentiary hearing, which may go
23 on for weeks and months.

24 I know that's not your normal practice. I
25 know the Order is clear that they had four days to speak.

1 I just wonder if it would be possible.

2 JUDGE WOLFE: Not only the Order, but the
3 newspaper accounts.

4 Assist me here, Mr. Copeland -- or someone
5 that lives in this area. Were there newspaper accounts
6 to this effect, that there were four days for limited
7 appearance statements?

8 MR. COPELAND: That's my recollection.

9 MR. SCOTT: I read several such accounts.
10 There's no doubt about that.

11 Those newspaper stories though did not make
12 clear whether or not you had to sign up to speak.

13 JUDGE WOLFE: Well, supposing they didn't
14 make that clear?

15 MR. SCOTT: Well, they may have wanted to
16 speak and have not shown up.

17 JUDGE WOLFE: Why wouldn't they show up?

18 MR. SCOTT: Because they didn't think they
19 would be able to speak.

20 JUDGE WOLFE: Why not?

21 MR. SCOTT: Because they hadn't written a
22 letter to you all previously.

23 JUDGE WOLFE: The newspaper accounts didn't
24 speak to that at all, and that's what you're saying. So
25 why would they understand it that way?

1 MR. SCOTT: There was talk in the media --
2 and outside the media -- that you had to sign up to
3 speak. There was some misunderstanding. Nobody deliberately
4 deceived anybody.

5 JUDGE WOLFE: I'm unaware of that at all.
6 I think the newspaper accounts were very general and did
7 not speak to whether you had to sign up or not. It just
8 said that people who wished to make limited appearance
9 statements could present themselves.

10 I don't recall whether there was any dis-
11 tinction made one way or another.

12 MR. LINENBERGER: As a matter of fact, Mr.
13 Scott, I believe the majority of limited appearance state-
14 ments that we received this week have come from people who
15 did not previously write in and ask.

16 So it would appear that newspaper accounts
17 didn't intimidate people too badly, because most of the
18 people that were here had not written in previously.

19 JUDGE WOLFE: I think the only time that the
20 Board stated that it would welcome people writing in
21 in advance and advising whether they wished to make
22 limited appearance statements in Wallis or in Houston was
23 in one of our Orders that the parties would receive and
24 was published in the FEDERAL REGISTER.

25 I just don't see that anyone conceivably could

1 have been misled.

2 Though I don't think anyone could possibly have
3 been misled, we are open to all limited appearers up to
4 five o'clock this afternoon.

5 Then we conclude the limited appearance
6 portion of this hearing.

7 MR. DOHERTY: This raises one question in
8 my mind: Will anyone be permitted to make a limited
9 appearance statement at any other time after today in these
10 proceedings?

11 MR. SCOTT: I believe that's what I asked.

12 JUDGE WOLFE: Exactly right, Mr. Scott. I
13 want to make it very clear that the answer is no. Anyone
14 up to five o'clock today.

15 Anyone after that time, when they come in
16 will break into our evidentiary hearing to take their
17 limited appearance statements.

18 MR. DOHERTY: You will not do that?

19 JUDGE WOLFE: Today we will.

20 MR. DOHERTY: Today only?

21 JUDGE WOLFE: Yes.

22 Anything else?

23 MR. SCOTT: Yes.

24 The next subject I would like to bring up has
25 to do with TexPirg's prior motion asking that class nine

1 meltdowns be considered in this hearing and be made part
2 of the final environmental statement.

3 And I have here a motion to both the Appeal
4 Board and Licensing Board asking the Licensing Board to
5 allow interlocutory appeal, and also asking you in your
6 discretion to certify the question to the Appeal Board.

7 I have also, as part of the same motion at
8 the same time, asked the Appeal Board to direct certifi-
9 cation. I have mailed copies of this to the Docketing
10 and Service and to the other parties.

11 I will hand this out now.

12 JUDGE WOLFE: We will be glad to receive the
13 hand-delivered copies of that motion.

14 The other parties will have time within which
15 to respond to your motion.

16 We will not act on it without hearing from
17 the other parties.

18 (Pause.)

19 JUDGE WOLFE: Mr. Scott, I have been notified
20 by the clerk for the Atomic Safety and Licensing Board --
21 and I don't know whether it was directed to you or to
22 other Intervening Parties -- I think probably Ms. Hinder-
23 stein was the one that the Appeal Board clerk was speaking
24 to, but the Appeal Board, as I understand it, has been
25 most concerned.

1 And this is not directed to you, because I'm
2 not certain that you were even included in it.

3 But the clerk has been most concerned that
4 various Intervenorers have not filed with the Docketing and
5 Service Branch an original and two copies of a submission.
6 There has been no problem with this Board -- the Licensing
7 Board.

8 The Intervening Parties have served copies
9 on the Board of their submissions and on all parties. But
10 they have not filed the original and two copies with the
11 Docketing and Service Branch in Washington, which means
12 that the Appeal Board does not receive a copy from the
13 Docketing and Service Branch.

14 So hereafter, all Intervening Parties must
15 serve copies of each and every submission -- three copies,
16 an original and two copies -- with the Docketing and
17 Service Branch.

18 I would trust that you, if you haven't,
19 file an original and two copies with Docketing and
20 Service.

21 MR. SCOTT: I've already filed with Docketing
22 and Service and with the Appeal Board. I sent it directly
23 to them.

24 There's going to be a number of other issues
25 of a preliminary nature. Maybe some other time would be

1 appropriate.

2 But the examples are: What is going to be
3 considered evidence in the hearing; what can be submitted,
4 that sort of thing.

5 In particular, I have questions of much of
6 the environmental report and the final FES, as an
7 example.

8 I am going to oppose -- I hope this is not a
9 problem -- but if anybody is thinking that they can just
10 be submitted in mass -- the evidence in this hearing --
11 I'm going to oppose that as not being in agreement with
12 the Federal Rules of Civil Procedure.

13 JUDGE WOLFE: All right.

14 We'll get to that after the luncheon recess.

15 We will recess until two o'clock.

16 (Whereupon, at 12:40 p.m. the hearing was
17 recessed, to reconvene at 2:00 p.m. of the same day.)

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AFTERNOON SESSION

2:00 p.m.

JUDGE WOLFE: We'll resume the proceedings.

First things first. We have set aside time for limited appearance statements to be taken and concluded as of 5:00 p.m. today.

So we will shift from the evidentiary proceedings back to the limited appearance statements.

We will hear first from Hamid Mahdy.

Would you step up into the jury box and sit at the table where the microphones are.

Would you spell your name, sir, and give your address;

MR. MAHDY: My name is Hamid M-a-h-d-y, Mahdy, at 12121 Palmdale, Houston, 77034.

STATEMENT

OF

HAMID MAHDY

MR. MAHDY: We are all probably aware that hearings such as this have preceded the construction of every reactor in the country, and none have ever prevented such construction.

Nevertheless, I feel that someone must speak for those unborn citizens of the future who will be most

1 affected by a nuclear enterprise at Allens Creek and Bay
2 City. And it is they who are truly disenfranchised.

3 Let there be no doubt that commercial exploita-
4 tion of ionizing nuclear radiation is one of the most
5 hazardous and menacing industries that has ever existed
6 in human society.

7 Nuclear radiation is an insidious and lethal
8 toxicant. Some nuclides are capable of imposing carcino-
9 genic and mutagenic contamination of the environment that
10 will endure practically forever.

11 In relation to the Allens Creek reactor, there
12 is a basic question as to why HL&P is determined to proceed
13 with this venture in spite of questionable economic
14 factors and ominous problems that confront the nuclear
15 industry in general.

16 With the present moratorium on spent fuel
17 reprocessing and with the closing of the last remaining
18 national spent fuel repository, all of this spent fuel
19 must now be retained in the cooling tanks of the various
20 reactors.

21 By 1985 there will be an accumulation of
22 15,000 metric tons of this highly radioactive and dangerous
23 material. Even construction of new repositories could not
24 be on line before 1990. Some plants are already so impacted
25 with spent fuel that they will soon be forced to cease

1 operation.

2 Considering this and other serious problems
3 in the industry, the only perceivable rationale in HL&P's
4 determination to push on with new construction is that
5 this apparent spent fuel problem may in fact be visualized
6 by HL&P as a tremendous leverage to force a transition to
7 breeder reactors. This was, after all, the original
8 long-term plan of nuclear engineers, that uranium-fueled
9 reactors would be only an interim part of an evolution
10 to plutonium-fueled reactors.

11 Is this what HL&P has in mind by using the
12 phrase "cheaper in the long run"? If HL&P has calculated
13 this so-called "long run" disposition of a nuclear enter-
14 prise at Allens Creek, then let them step forward and
15 clarify this important matter.

16 If HL&P has not undertaken a comprehensive
17 analysis of this proposed enterprise, then let them prove
18 that they are not engaging in a haphazard and fraudulent
19 misappropriation of billions of dollars of public money.

20 The (hoped for) useful life of the Allens
21 Creek reactor will be about 25 years during which it
22 will become a great worthless monument of contaminated
23 waste.

24 Let HL&P explain to the citizens of Wallis
25 and Rosenberg and Houston how it plans to shut down five or

1 ten billion curies of nuclear radiation.

2 The onus is upon HL&P to produce a clear
3 rationale to justify this proposed enterprise to be under-
4 taken, not as a risk to HL&P, but at a risk of public
5 money and public welfare.

6 In any case, I want to emphasize again that
7 although nuclear reactors are short-termed in public
8 utility, they are long-termed as a public menace.

9 The radioactive materials involved will out-
10 last steel and concrete that seek to confine them. That
11 is why it is not we who will be most affected by reactors
12 at Allens Creek and Bay City, but the following genera-
13 tions who will have no course of redress.

14 It is they who will be in worse, perhaps
15 extreme jeopardy. We have no right to deliver to these
16 unborn generations an irreversibly contaminated environ-
17 ment for a simple expediency of gaining a few extra watts
18 of electricity that we actually do not need in the first
19 place.

20 On behalf of the citizens of the future,
21 therefore, I say to HL&P no.

22 Thank you.

23 JUDGE WOLFE: Thank you.

24 Leon Pickett.

25 ///

STATEMENT

OF

C. LEON PICKETT

MR. PICKETT: I am C. Leon Pickett. I live at 221 O'Roark Street in Houston, Texas, 77008.

I will speak slowly because I am still recuperating from a recent illness, and I will speak briefly.

Mr. Chairman, friends and neighbors fellow members of the press: You and I both know -- each of us knows that the only purpose of this meeting is because the law requires it as part of the licensing procedure.

You don't give a tinker's damn what we say here. It will go into the record and be forgotten, and you will proceed.

Therefore, I have a very brief message for you.

As the Director for Citizens Against Nuclear Overkill Technology, I'm going to tell you that we will not permit the operation or implementation of any thermo-nuclear activity, including power plants, in the state of Texas.

You may build them, take your graft, the payoffs, the racketeering, the blessing of the government, despised by the citizens and go forward and build as many

1 as you wish.

2 But we will not tolerate the operation of
3 even one. That will at least give us the minimum buffer.

4 I'm not going into any facts and figures.
5 I made a statement in 1975 in Wallis in this matter. It's
6 still in the record.

7 My wife and daughter and I appeared at that
8 meeting as the only protestants carrying protest signs.
9 My message was very clear then; I hope it's very clear to
10 you now. We have solidified.

11 Are there any questions?

12 JUDGE WOLFE: Have you completed your state-
13 ment, Mr. Pickett?

14 MR. PICKETT: I have completed my statement.

15 JUDGE WOLFE: Thank you very much.

16 MR. PICKETT: You're entirely welcome.

17 JUDGE WOLFE: Lauren Kramer.

18
19 STATEMENT

20 OF

21 LAUREN KRAMER

22 MS. KRAMER: My name is Lauren Kramer. I
23 am a citizen of Houston and a mother. I come to you as a
24 representative both of mothers and a citizen.

25 I live at 11300 Smithdale in Houston, Texas.

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 What I would like to know is why a nuclear
2 power plant of this size must be placed in such close
3 proximity to the fourth largest city in this nation, when
4 it could be placed in a city which is much smaller?

5 For one thing, your liability limit here will
6 be \$560 million. You have a potential of \$14 billion in
7 damage or much in excess of that. You have no liability
8 insurance which will cover that loss.

9 Whereas, in both a smaller city you have a
10 chance of a much smaller loss of lives, should there be
11 a nuclear accident, a much lower chance of having long-
12 term effect from radiation on a large number of citizens,
13 and a much smaller chance of having a liability that sur-
14 passes the liability ceiling for these nuclear power
15 plant.

16 It is my understanding -- and I'm asking the
17 gentleman today to answer this question also. This is not
18 the only power plant to be placed at Allens Landing, but
19 it is one of six.

20 And the subsequent power plants will not have
21 to go through a procedure such as this. Is that true?

22 Or will there be the same procedure for each
23 of the subsequent power plants? And will they be required
24 to file a formal statement of the nuclear effects should
25 there be a nuclear accident, as there is not in this

1 particular instance?

2 Can you answer that for me? Can you?

3 Is there anybody here who can answer that?

4 MR. NEWMAN: Judge Wolfe, we would be happy
5 to chat with this limited appearer at the first convenient
6 break to respond to the questions she has asked.

7 JUDGE WOLFE: Yes. It has been our practice,
8 Ms. Kramer -- Well, I'll restate that.

9 We have stated earlier that the Board does
10 not answer any questions directed to it by any person
11 making a limited appearance statement. We adhere to that
12 because there is always the possibility that these
13 questions may impinge upon our duty as quasi-judicial
14 officers; namely, if you were to ask us a question, we
15 might answer it.

16 We might be getting into the area of matters
17 and issues that are presently before us. And were we to
18 say something, it might appear we're making a pre-
19 judgment, which we will not do -- which we will not do.

20 And under no circumstance will we answer
21 questions. However, it has been our practice, beginning
22 in Wallis, that both Applicant's and NRC Staff's counsel
23 have during the recesses held informal conversations with
24 the various limited appearance individuals in an effort
25 to respond to any questions that they might have.

1 And further, we have made it very clear on
2 the record that all limited appearance -- people appearing,
3 as well as the public in general, is more than welcome --
4 or are more than welcome -- to attend the evidentiary
5 hearings.

6 MS. KRAMER: I directed my questions not to
7 the Judges, but as a matter of fact to the executives or
8 the representatives of HL&P if he -- Is he able to tell
9 me, or is he willing to go on record after the hearing or
10 at some point that there will be subsequent hearings for
11 each power plant proposal at the same site?

12 MR. NEWMAN: Again, Mr. Chairman, we'll be
13 happy to respond to Ms. Kramer's question at the first --

14 MR. SCOTT: Chairman Wolfe.

15 JUDGE WOLFE: Proceed --

16 MR. SCOTT: Chairman Wolfe.

17 MS. KRAMER: Is he going to answer my
18 question?

19 MR. COPELAND: We will talk to you at the
20 break.

21 MS. KRAMER: Will you go on record?

22 MR. SCOTT: I was going to respond to the
23 other parties here to her suggestion. Is what you just
24 specified for this particular hearing, because I've
25 attended other similar hearings where the Board, the

1 Applicant, the Staff responded, if not immediately, within
2 a day or two to the issues raised by the appearance
3 people?

4 In addition, does your ruling -- as I under-
5 stand it, does it apply even to those questions that are
6 not in issue in this proceeding?

7 JUDGE WOLFE: How did it sound to you, Mr.
8 Scott?

9 MR. SCOTT: It sounded to me like you weren't
10 going to respond to anything, even if it was not an issue
11 in the proceeding.

12 JUDGE WOLFE: You understood correctly.

13 MR. SCOTT: Okay.

14 MS. KRAMER: If I might be so bold, I agree
15 with that gentleman.

16 From my knowledge of public hearings and the
17 law of public hearings, I understand that HL&P must answer
18 my question on the record at some point, whether or not I
19 attend the evidentiary hearing or not.

20 These are public questions and public issues
21 that must be answered before this power plant is allowed to
22 go up.

23 When will I have a chance to get it on
24 record, since they are bound by their answer? It is no
25 good if I talk with them out in the hall afterwards; they're

1 not on record.

2 I want them on record -- a judicial record or
3 an agency record, so I can say when the next one comes
4 around, "Hey, you said there would be another hearing
5 before this went up. You agreed to that before this went
6 up, and now you're saying, 'No, we don't have to do that.'"

7 I want to be able to go into court and
8 say, "This is what they said was going to happen, and they
9 have defaulted on their promise; or they represented one
10 way and now they're not."

11 And as you gentlemen know, it's hearsay and
12 not evidence in a courtroom if they tell me out in the
13 hall and it's not on the record. It is not admissible in
14 a court of law.

15 Now, how does that work in my favor? It only
16 works in theirs.

17 How does it work in his favor? It only works
18 in theirs.

19 JUDGE WOLFE: I think I can safely say --
20 I think after checking with my Board members, that there is
21 no contention that -- or no issue that is presently before
22 us for our resolution. Therefore, I can answer that
23 question.

24 HL&P nor any utility plant can construct a
25 nuclear power facility without first filing an application

1 with the Nuclear Regulatory Commission. There must be a
2 hearing, and there must be a decision affirmed by the
3 Commission permitting the construction of any power plant
4 for which application is made.

5 MS. KRAMER: Will it be --

6 JUDGE WOLFE: You had another question --

7 MS. KRAMER: Will it be rubberstamped, because
8 of the subsequent application -- Will it have to go through
9 the same sort of hearings and the same sort of evidentiary
10 hearing later?

11 JUDGE WOLFE: Every application for a con-
12 struction permit requires a hearing.

13 MS. KRAMER: It is my understanding, and I
14 wish to go on record as stating that there are six power
15 plants to be proposed in the future, this one and five
16 additional ones.

17 I would like to know why, since there is no
18 conclusive evidence on the effects of a real nuclear
19 accident like almost happened at Three Mile Island, or on
20 the effects of long-term radioactive emissions which are
21 increased, although negligibly by one power plant, but
22 could be more than negligibly increased by six and four more
23 in Bay City that are planned, and the effects of thermo-
24 radiation in the water over a 40- or 50-year period.

25 And I ask that HL&P be required to give a

1 report showing what the effects of these things will be.

2 And this little fellow here would like to
3 know what they'll be because I'm not going to be here
4 50 years from now perhaps; but he certainly will. And so
5 will his children.

6 I think they have a right to know what the
7 long-term effects will be.

8 And if indeed it is experimental, which I
9 believe it is, why can't you experiment with 25,000
10 people? Why do you have to experiment with 2 1/2 million
11 lives?

12 I understand, too, that you are building a
13 Mark III version instead of the Mark II, which is more
14 expensive to build, even though it's safer on radioactive
15 emissions, because it's cheaper to build.

16 I think that this should be an issue that
17 the Nuclear Power Commission -- the Nuclear Regulatory
18 Commission looks into.

19 There are a number of unresolved safety
20 problems that have been cited by top GE engineers, some
21 of whom have left, that have a combined 50 years ex-
22 perience.

23 And I know of one man who has worked on the
24 Brown & Root -- at least it's my understanding that one
25 man that has worked on the Brown & Root design says that

1 it's not safe no matter how they do it; that what we have
2 today will not make that power plant safe, even with the
3 best minds that Brown & Root has.

4 I also understand that the true motive of
5 building this power plant is not to give us more energy
6 sources that are cheaper, but to increase the rate base
7 of HL&P, because they are allowed a certain return on their
8 capital investment.

9 A nuclear power plant is a larger capital
10 investment than a coal plant. Because of that, they will
11 get higher profits, a greater gross return on their total
12 investment, and I suppose that they will also argue that
13 they will lose some of the power by transmission from a
14 distance. I understand this loss is only five percent.

15 I ask that that loss be weighed against 2 1/2
16 million potential deaths.

17 I understand too that a report called WASH-740,
18 which was denied to people who wanted public access to it
19 at one time and is now available, due to the Freedom of
20 Information Act, said that a power plant one-seventh the
21 size of this one would kill everyone within a 35-mile
22 radius if there was a nuclear accident.

23 Multiply that by seven times, and you've
24 wiped out the whole city of Houston.

25 I think that there should be a report -- an

1 environmental report on waste disposal before a power
2 plant goes up, and definitely on the effects of core
3 meltdown and the emergency procedures that would be en-
4 tailed.

5 I do not know why they have been exempted
6 from the new ruling which came in 1980 requiring that,
7 merely because it is supposedly a post facto law, when I
8 think that it is really common sense to ask that this be
9 done now.

10 After all, Three Mile Island is no more safer
11 now than it was then. And probably that's because there
12 was never any work done on the effect of a meltdown or the
13 environmental impact of any kind of nuclear accident.

14 And my son is a primary consideration. There
15 are many more sons, and children, in Houston than there
16 are in smaller towns. Why couldn't this plant be in
17 Brownsville where there would be a smaller likelihood
18 of disaster?

19 I know that no one wants it near them. But
20 why in the world would you want to experiment with so many
21 people when you could endanger fewer people somewhere
22 else, and with no greater inconvenience than a loss of
23 approximately five percent of your nuclear power?

24 I ask that you consider these. I thank you
25 for your time, and I hope that you will give my questions

1 due consideration.

2 I also hope that HL&P will go on record as
3 saying whether or not they will answer these questions,
4 either in an evidentiary hearing or here.

5 Thank you very much.

6 JUDGE WOLFE: Thank you.

7 Dr. Iris Silvers.

8
9 STATEMENT

10 OF

11 IRIS SILVERS

12 DR. SILVERS: My name is Dr. Iris Silvers.
13 I live at 2015 Bissonnet here in Houston.

14 I come -- This morning you were talking
15 about credentials. I come as an instructor in human
16 development. My concern is with the quality of human
17 life, with the quality of our environment.

18 I come as a representative of the woman's
19 group at the First Unitarian Church also, who are express-
20 ing their concerns through me here today.

21 My primary concern -- I heard -- I don't
22 recall her name, the speaker before me -- talk about
23 endangering such few lives. I realize there are dangers
24 all around.

25 But so far with what I have read from scientists

1 who don't have a vested interest--concerned scientists
2 and so on out there, that we don't know what to do with
3 the nuclear wastes -- the lethal nuclear waste from any
4 power plant so far. We've had 25 years to work on it.

5 I'm concerned because right here in Houston
6 we have trouble getting rid of the organic waste, the
7 chemical waste.

8 I have a friend who suffers from leukomia
9 (phonetic) who lives in the Galena Park area, where there
10 is an epidemiological correlation between other chemical
11 wastes. And now we're talking about putting in nuclear
12 waste that are carcinogenic ... all kinds of effects.

13 We have no way of disposing of them. No one
14 even wants them temporarily.

15 So far we have no long-term way to get rid
16 of them. Yet we keep building and proliferating our
17 plants.

18 I don't understand it. States are dropping
19 off in terms of even temporary storage areas. There is a
20 question of mismanagement of these wastes. In the paper
21 one of the areas -- early disposal which is coming to
22 light.

23 Out in the Atlantic we have seepage into the
24 ocean. We have leaking into the land with the temporary
25 wastes that we have already. We have trucks that lose

1 supposedly low-level kinds of nuclear waste out on the
2 freeways.

3 The mismanagement has been terrible so far.
4 What makes us think that with something that's costing so
5 much, that has got mismanagement in the building at the
6 South Texas plant and other plants -- Three Mile Island --
7 that you're going to be able to manage this better?

8 Yes, I felt very strongly about that little
9 child that was here because I, too, am concerned, not only
10 for my generation but for future generations.

11 I feel that you men sitting there have a lot
12 of weight on your shoulders. I feel that you represent the
13 government of the United States, of my country -- of our
14 country.

15 And as such, you're regulators. That regula-
16 tion doesn't have to be just for vested interests of the
17 large companies. Right now my money as a no-choice
18 customer of a monopolistic concern -- the Houston Lighting &
19 Power Company -- part of my payment every month goes for
20 the building of the South Texas plant right here.

21 To me this is ludicrous. You can't find an
22 investor that wants to invest because it's not safe and
23 because of the return on the money. You can't find an
24 insurance company now -- except with the taxpayers' money --
25 to even be liable for the plants that are built and that are

1 going to be built.

2 And yet, I have to, as a customer, put my
3 money out. To me this is just purely ludicrous. I have
4 a little duplex, and I want to build some apartments
5 behind it.

6 I couldn't go and ask my tenants to go
7 finance the building on my property for something they're
8 going to get. I could though and would much rather as a
9 taxpayer, as the member of the public -- as a citizen --
10 would like to have my taxpaying money to go for solar
11 energy, for insulating my house, for my own personal
12 investment, not for the Houston Lighting & Power Company
13 that keeps raising my bill -- my rate constantly.

14 There would be a lot of smaller people out
15 there instead that would get benefits directly for their
16 money as a taxpayer, that would be much safer -- insure
17 that maybe you could sleep better at night and I could
18 sleep better at night, and I wouldn't be sorry and con-
19 cerned about the future.

20 Thank you.

21 JUDGE WOLFE: Ms. Denise Williams.

22 (No response.)

23 JUDGE WOLFE: William Schuessler.

24 ///

25 ///

1 STATEMENT

2 OF

3 WILLIAM SCHUESSLER

4 MR. SCHUESSLER: My name is William
5 Schuessler. I live at 5810 Darnell, Houston, Texas.

6 I'm here to speak out in opposition to the
7 construction of Allens Creek.

8 MR. NEWMAN: Mr. Chairman, may I just inter-
9 ject a moment?

10 I believe Mr. Schuessler is a party to these
11 proceedings.

12 JUDGE WOLFE: That is correct.

13 MR. NEWMAN: While I'm not now specifically
14 stating an objection to his presentation, I would like to
15 have the record reflect that we would not want to have this
16 treated as a precedent that would allow all of the persons --
17 and there are many -- who are parties to this proceeding
18 to, in effect, put on their case through limited appear-
19 ances, having had ample opportunity to do that as parties
20 to the proceeding.

21 JUDGE WOLFE: Yes. I will re-emphasize that
22 these limited appearance statements are not taken under
23 oath and we do not and will not consider them as being
24 evidence.

25 I see no objection, and I hear no objection

1 to Mr. Schuessler's limited appearance statement. I
2 assure all parties that any statement he makes is just an
3 informal statement and is not evidence.

4 MR. BLACK: Mr. Chairman, although not
5 voicing a specific objection to Mr. Schuessler's statement,
6 I might point out that the Commission's Regulations 10-C
7 of -- or Section 2.715 indicates that persons not parties
8 to a proceeding may make limited appearance statements,
9 which implies to me that parties to a proceeding may not
10 make limited appearance statements.

11 Like Mr. Newman, I would hate to see a
12 precedent established, if all parties to a proceeding could
13 make limited appearance statements, and by so doing bolster
14 something that they should have done legally through con-
15 tentions or otherwise.

16 But as I indicated before, if this statement
17 by Mr. Schuessler is limited, if it does not pertain to
18 his contentions, the Staff would have no objection.

19 MR. SCOTT: Chairman Wolfe --

20 JUDGE WOLFE: Yes, Mr. Scott.

21 MR. SCOTT: As the attorney for the NRC
22 pointed out, the 2.1715 does not say that parties cannot
23 be limited -- make limited appearances.

24 In fact, it doesn't even say that people who
25 are not parties can make limited appearances. It's up to

1 your discretion.

2 And I know of no reason to keep anybody from
3 speaking. As you've already pointed, it is not into the
4 record. And the record -- what transcript shows there
5 after the formal hearing starts is the only thing that
6 ya'll make a decision on.

7 So if he wants to say something, or if any
8 other party wants to say something, I can see nothing
9 wrong with that.

10 All they're doing with that, frankly, is
11 informing the general public.

12 MR. SCHUESSLER: Mr. Chairman, before you
13 rule, could I respond to that?

14 My feelings are -- I thought there might
15 be a problem in this area. I anticipated that there could
16 be regulations that would prevent me from this dual role,
17 so to speak, or possibly objections from the Applicant's
18 counsel.

19 But I would point out, sir, that originally
20 I submitted, I'd say, somewhere in the neighborhood of
21 12 to 15 contentions, all of which (with the exception of
22 one) were rejected.

23 All other parties who sought leave to inter-
24 vene and had their contentions rejected were given this
25 right. I feel I'm entitled on the basis of those 12 to

1 14 rejected contentions to speak out in this matter today.

2 JUDGE WOLFE: I take it that both Applicant's
3 and Staff's reading of 2.715 is a specific preclusion of a
4 party making a limited appearance statement?

5 MR. NEWMAN: I don't know whether one could
6 address it as a specific exclusion. The implication drawn
7 from at least the title of the section would seem to indi-
8 cate that limited appearances are roles designed for
9 persons not parties to the proceeding.

10 I really don't wish to make an objection to
11 Mr. Schuessler's presenting his statement, beyond the
12 concern which I expressed that he not present his evi-
13 dentiary case during the course of a limited appearance,
14 because I think that that tends to be cumulative, re-
15 petitive and really disruptive of the proceedings.

16 JUDGE WOLFE: Did you plan to address yourself
17 to your contention that has been admitted in these pro-
18 ceedings, Mr. Schuessler?

19 MR. SCHUESSLER: My contention has to do with
20 emergencies and evacuation. Now, I did not intend to
21 support or address that in any way, shape or manner.

22 However, generally that consideration was part
23 of my other contentions. But I would not say -- I don't
24 consider this having a bearing on that contention directly,
25 sir.

1 It's not my intention.

2 JUDGE WOLFE: Well, I won't permit you to get
3 into the area of your admitted contention, which is pre-
4 sently before the Board; namely, as to emergency evacua-
5 tion.

6 I will allow you to make a limited appearance
7 statement on other areas, however.

8 All right.

9 MR. SCHULBSLER: I'll start off with the
10 observation of something I found in Mr. Scarlett's story
11 on the hearings in Wallis where one gentleman out there
12 was quoted in the article as accusing opponents of making
13 totally outrageous statements.

14 And he was quoted again as saying, "I don't
15 HL&P and the government would allow something to be built
16 that would wipe out half of Texas."

17 Well, maybe half of Texas is an exaggeration;
18 although it's not out of the question. But 10 or 15 years
19 ago, I think I might have agreed with that man.

20 But I didn't get any smarter, and I began to
21 pay attention. In the past 15 years or so, I've learned
22 a lot.

23 Then I would have trusted the government, and
24 I would have trusted HL&P. But today I do not, and for
25 good reason.

1 HL&P is a part of an industry -- the energy
2 industry as a whole which is capitalizing on the fact that
3 we are in dire straits as far as energy is concerned.
4 They exploit this fact at every turn. They hire people to
5 snow the public, to persuade the public in very simplistic
6 manners and ways of the rightness of their position and
7 with subtle threats of doing without.

8 So ... as an example, just the financing of
9 this plant. I don't know how to trust a company that
10 constantly seeks to accumulate capital for construction at
11 Allens Creek, along with other facilities.

12 They are always poor-boying it. They need
13 the money. There is no way to do it. The safety factors,
14 the risks involved, I think, have a direct bearing on
15 this. This is realistic and true and makes capital ac-
16 cumulation difficult.

17 But I'm really troubled by the fact that HL&P
18 seeks to get ratepayers to capitalize their construction
19 programs, to pay for services in advance, and to enhance
20 their rate base by capital investment which is coming
21 directly from the consumers -- the ratepayers.

22 Here in a story of 9-8-80, the story, "Electric
23 rate return seems above average." The story is referring
24 to utility companies in Texas.

25 And I think HL&P ... but in recent Texas

1 electric rate cases, 15 percent to 15 1/2 percent return on
2 year-end equity was allowed. And I believe this is what
3 they were getting. It's allowed, and that's what they
4 were getting.

5 But they don't have the money. Now, you know,
6 what bothers me here is the fact that they are among --
7 if not the very best compensated utility company in the
8 country.

9 I responded to an ad in the papers touting
10 utilities as investments and sent off for this brochure
11 here from Bache Halsey.

12 "The EIF Equity Income Fund," singing the
13 glories of investors investing in electric utilities. They
14 list a number of utilities, which I would assume to be --
15 since this is really a sort of a sales piece here --
16 they're giving the best estimates that they can provide
17 as to what utilities are enjoying in the way of profit and
18 return on investment.

19 About ten of them are listed in here. They
20 run about the average, under 10 percent ... or right at
21 10 percent. And it troubles me that nationally the in-
22 dustry as a whole is satisfied and operating on a ten per-
23 cent investment.

24 HL&P comes along here, and they're already
25 getting 15 percent or so, but that's not enough. They want

1 us -- they're telling us how we will not have the power
2 to do it. It's a matter of we talk about costs as opposed
3 to risks, and cost and benefit.

4 They, it seems to me, expect all the benefits
5 and passing the costs along to everyone else. That is the
6 financial end of it. I hope this doesn't get into my
7 contention, and I think not.

8 But there are other costs involved in nuclear
9 energy. The problem of nuclear waste is totally un-
10 answered. It's going to be around.

11 We talked about dirty tricks during Watergate,
12 but this to me is the ultimate dirty trick on future
13 generations. It's real easy for HL&P and supporters of
14 nuclear energy to come along and say, "We have the
15 technology and it's 20 years old."

16 It's easy for Dr. Edward Teller to come here
17 as a scientist but speak like a propagandist and a huck-
18 ster to say, when asked about the question of nuclear
19 energy, to respond, according to the "Chronicle," that
20 "That's a soft question."

21 Sure, they have the technology, but they
22 don't tell people what that technology is. I tried to bone
23 up on it, because I want to find out. I'm inclined to
24 say, "Well, I ought to know what they're talking about."

25 But they don't tell the public that that

1 technology involves -- stated very simply -- pulling the
2 reactor fuel core, putting it in a cooling pond and let
3 it sit there for ten years or so to cool down so they can
4 then approach it and handle it ... reprocess it and use
5 an expensive and dangerous process to wind up putting it
6 in some kind of ceramic pellets.

7 Then encasing these things, finding some safe
8 salt mine or salt dome somewhere and sending people down
9 there to drill holes in the salt, to space these things
10 properly to prevent dissipation.

11 And then sit there and babysit and guard
12 them for hundreds of thousands of years.

13 It's one thing to say, "Shucks, we've got the
14 technology," but tell the public what that technology is.
15 That to me is dishonest, and I don't trust people that
16 deceive the public in that manner.

17 I agree -- I won't reiterate -- I agree whole-
18 heartedly with the previous speakers here on the question
19 of placing this plant so near Houston. In my estimates --
20 I've tried my best to do some calculating.

21 And I've taken census figures and rates of
22 increase, which I think probably at this point, based on
23 the '80 census will be far short. But I calculate that
24 among the half dozen or so counties surrounding Allens
25 Creek that have a major city -- a city of, say, 15,000 or

1 20,000 or more ... based on the best that I can calculate,
2 by the time this plant would go on line -- 1987 or there-
3 abouts, that within a 50-mile radius of that plant, I
4 calculate there will be somewhere in excess of 3 1/2
5 million people.

6 Now, I know the regulations, and I don't fully
7 understand these zones -- the low population zone. I
8 don't understand where these ten miles comes from. But
9 that seems to be a magic line of demarcation here when it
10 comes to dealing with these things.

11 But I'm troubled because I think maybe I'm
12 getting in this other area somewhat, and I don't want to
13 do that.

14 But ... let's just say this: That these
15 arbitrary -- what I see as arbitrary zones that are
16 placed there, the question has arisen in my mind. The
17 regulations seem to say we'll evacuate. They foresee
18 evacuating within a ten-mile zone.

19 But would they move them from 9 miles to an
20 11-mile --

21 JUDGE WOLFE: I think now, Mr. Schuessler,
22 you are approaching and impinging upon your contention.

23 MR. SCHUESSLER: Okay.

24 JUDGE WOLFE: You had best move onto something
25 else.

1 MR. SCHUESSLER: Let me address it this
2 way, and I'm talking about faith and I'm talking about
3 trust.

4 Fifteen years ago I think my same faith and
5 confidence and trust would have been in the government and
6 the Nuclear Regulatory Commission -- it was the Atomic
7 Energy Commission at that time.

8 But I began to pay attention, like I say.
9 I've been forced to conclude -- I don't wish to be unfair
10 with anybody -- HL&P, the Congress or the Nuclear
11 Regulatory Commission.

12 But I have seen so many things lead me to
13 conclude that the public is simply not being dealt with
14 fairly and honestly and candidly.

15 The public is being manipulated by the
16 big utility companies, by the nuclear energy industry and
17 by the Congress of the United States which passes the
18 laws.

19 And I'm troubled about the NRC. I had hopes,
20 after Three Mile Island with all the commissions, all the
21 studies and the investigations that took place at that
22 time -- I thought that finally something would be done, that
23 a new perspective of this would come out in the Nuclear
24 Regulatory Commission.

25 But I'm sorry to say that I haven't seen that.

1 As party to this proceeding, I've received many, many
2 things -- many of which I've never had time to read, and
3 many of which I don't fully understand.

4 But at the same time I've read enough and
5 understood enough to decide that the Nuclear Regulatory
6 Commission is working hand in glove with the nuclear
7 industry to promote nuclear energy in this country.

8 I had hoped that after Three Mile Island
9 they would have taken a lean-over-backwards in the other
10 direction. The history of the Nuclear Regulatory Commis-
11 sion, I say, has been one of constant changing of their --
12 It has been a learning process, let's say.

13 They have changed their views and positions
14 and estimates time and again.

15 But if there has ever been a time where their
16 estimate was found to be overly cautious, they found that
17 it was sensible to relax it, I don't know of that
18 occasion.

19 In every instance they have had to back off.
20 In the beginning we were told that nuclear energy was
21 totally safe; radiation was nothing, and so on.

22 But the learning processes brought them
23 into a tighter and tighter circle here. However, this has
24 not changed their attitude, as far as I can tell.

25 So my -- The processing of this matter here,

1 I'm very troubled with the procedure that is used in
2 building and licensing plants. I find a Catch-22 situation.
3 I find where the Applicant can very handily place himself
4 in one position, deal with a question that on the basis --
5 "Well, we don't have to deal with that until the licensing
6 process."

7 But many of these questions are inherent in
8 the construction of the plant. So it's these kinds of
9 things -- and I guess it gets into the legal end. When I
10 first received a copy of the regulations from the NRC,
11 after my first letter, I was somewhat heartened at that
12 time to find in there a word -- or a line that said --
13 stated that these proceedings would be handled in a manner
14 comparable to that in a court of law.

15 On the face of it, I found that comforting.
16 And I thought, "Well, that will keep things straight."
17 But I've learned differently in the last 18 months since
18 I've been dealing with this process, because that does not
19 assure equity and fairness.

20 It assures that legalistics and legal
21 technicalities are going to pretty much take over, rather
22 than the basic issues.

23 JUDGE WOLFE: Are you nearly completed? I
24 have allowed you a little extra time, Mr. Schuessler.

25 MR. SCHUESSLER: Well, I'd like to have more

1 time, but I'll leave it at that.

2 Thank you very much, sir.

3 JUDGE WOLFE: Thank you.

4 Are there any other limited appearance
5 individuals in the audience?

6 Come forward.

8 STATEMENT

9 OF

10 MICHAEL BURNS

11 MR. BURNS: My name is Michael Burns. I'm an
12 interested individual.

13 What I'd like to talk about today is --

14 JUDGE WOLFE: Could we have your address,
15 please?

16 MR. BURNS: 3834 Turnberry Circle. That is
17 Houston.

18 Well, I'm pleased to address you this after-
19 noon. I'm glad to see that you're asking for more public
20 input into our energy situation.

21 In the debate on nuclear power, I hear the
22 people who support nuclear power say we need to build
23 more nuclear power plants to end our dependence on foreign
24 oil.

25 I feel this is a fallacy, since most of the

1 energy that is required to build a nuclear plant is in the
2 form of oil.

3 It takes eight years to build a nuclear
4 plant; that's eight years investment of oil, before there's
5 any energy returned on our investment.

6 Solar energy and energy conservation has
7 immediate return on the energy invested. Do we want to end
8 our dependence on foreign oil within eight years or wait
9 for eight years?

10 Houston is in a very favorable situation for
11 retrofitting homes to use the sun's energy for heating.
12 Seventy-five percent of the homes in Houston have solar
13 access.

14 Solar access is exposure to the south, either
15 in the front of the house or in the back. And that is
16 important to today's residential subdivision, for with
17 the solar access on the side of the home, it would probably
18 not receive a lot of sun.

19 One method of retrofitting homes is to attach
20 a sun room or solar greenhouse. Up to 70 percent of the
21 home's heating needs could be provided by the sun's energy
22 through the attached solar greenhouse.

23 Of course, you can't heat a house with solar
24 energy if the house leaks a lot of heat.

25 So conservation measures would have to be

1 included, such as caulking, sealing windows and insulating
2 would be necessary for sun space to provide a large
3 amount of a home's heating needs.

4 Those measures would also help with summer
5 cooling. Solar water heating was first introduced in
6 California in 1900 and has a history of being dependable
7 and saving energy.

8 Some of the units installed in Florida in
9 the 1930's are still working today. A great amount of
10 work has been done in the last five years in making the
11 installation of a domestic solar water heating system a
12 simple operation.

13 With all the tax credits available to solar
14 and conservation technology, there should be more people
15 investing their money to retrofit homes. With interest
16 rates at 20 percent, people are reluctant to borrow the
17 money.

18 And in my case, the apartment I live in,
19 the owner doesn't pay the utility bills, and the residents
20 don't stay long enough to realize a payback in the
21 invested conservation or solar measures.

22 If Houston Lighting & Power Company de-
23 emphasized their nuclear program and used the money to
24 implement conservation and solar technologies in their
25 ratepayers' homes, they would increase their generating

1 capacity by decreasing demand.

2 In the case where the home is heated by
3 natural gas, the gas saved could be used in future plants.

4 An electric generating plant that uses
5 natural gas is cheaper to build and maintain and the
6 environmental impact is less severe.

7 The difference between making the decision to
8 build a nuclear power plant or investing the money in
9 conservation and solar technologies is the difference
10 between making a smart decision and making a wise
11 decision.

12 Thank you.

13 JUDGE WOLFE: Thank you.

14 Are there any other limited appearance in-
15 dividuals who wish to make such statements?

16 Yes. Come down.

17
18 STATEMENT

19 OF

20 PAUL ARAIZA

21 MR. ARAIZA: I have a handwritten letter from
22 a friend who could not be here today. She requested that
23 I read this letter in your presence.

24 JUDGE WOLFE: Who is the person whose letter
25 that is?

1 MR. ARAIZA: Nancy Ford Thomas.

2 JUDGE WOLFE: And the address, please?

3 MR. ARAIZA: 6107 Gresham, Wallis, Texas.

4 JUDGE WOLFE: All right. You may read the
5 letter into the record.

6 MR. ARAIZA: "Dear Sirs" --

7 COURT REPORTER: What is your name for the
8 record?

9 MR. ARAIZA: Paul Araiza, A-r-a-i-z-a.

10 "Dear Sirs: On January 13, 1981, I was at
11 the hearing on the nuclear power plant held in Wallis.
12 I was only there for a short period and heard several
13 people for and against the proposed plant. The people for
14 the plant seemed to me to be people who owned considerable
15 property in and around the town and had quite a lot to
16 gain financially from the increased traffic and housing
17 and business brought in by construction.

18 "These people seemed very ignorant to the
19 cost that it will mean to the well-being of the town.
20 We the tax-earners will be left with the tax burden of
21 paying for the increased size of the town, a larger police
22 force who will be needed to control the traffic.

23 "If there is a nuclear breakdown, hundreds of
24 thousands of acres of land will be contaminated, not to
25 mention people" -- pardon me, I have trouble reading this.

1 "The cost of this plant to us will come forth
2 in our electric bills which now are outrageous. If a new
3 generating plant is needed, why nuclear? A coal plant
4 would work just as well and cost less. There is also less
5 chance of pollution.

6 "The coal-generating plant on the Arkansas
7 River in Muskogee, Oklahoma causes no problems and is
8 next to a freeway and right across the river from homes
9 and a shopping center.

10 "As you can see, I am definitely against
11 nuclear power plants. I am also against it solely because
12 of contamination of our land and water supplies. I am
13 against it because the nuclear wastes will be dumped in
14 somebody else's back yard.

15 "I ask you as representatives of the common
16 people to please stop all nuclear power generating plants
17 under construction. Put this money into educating us to
18 use less electricity and to use solar power or wind
19 power. Do not allow our new homes to be built unless
20 they have certain qualifications. When you vote, I pray
21 that afterwards you will be able to go to sleep peace-
22 fully at night. And when you die that you will go to
23 heaven.

24 "You see, sirs, you could make us live in an
25 intolerable place -- or rather die in an intolerable

1 place.

2 "I appreciate the time and consideration every-
3 one has given to this problem. But our government should
4 ban all nuclear power plants, or we shall have problems
5 for the next several generations ... for all eternity."

6 Thank you very much.

7 JUDGE WOLFE: Thank you.

8 Are there other limited appearance individuals
9 in the audience?

10 (No response.)

11 JUDGE WOLFE: We seem to have lost a party,
12 namely, Mr. Scott, counsel for TexPirg. We were to have
13 discussed some preliminary matters.

14 (Pause.)

15 JUDGE WOLFE: We're back to the evidentiary
16 hearing, absent any limited appearance individuals.

17 Are there any preliminary matters that we
18 should discuss?

19 For the record, Mr. Schuessler is now at
20 one of the representative's tables representing himself.

21 Are there --

22 MR. SCOTT: Yes.

23 This is Jim Scott. As I mentioned before,
24 I have a few issues that I want to discuss. I have a
25 feeling that I will think of more as the hearing goes on.

1 Should I start talking about them?

2 JUDGE WOLFE: I was just wondering, Mr.
3 Scott ... as you'll recall, when we were discussing pro-
4 cedures at the prehearing conference, I indicated that
5 possibly -- Young lady, are you a party? I don't recall
6 you.

7 MR. SCOTT: She signed up for a limited
8 appearance.

9 A VOICE: I am --

10 JUDGE WOLFE: Would you please sit in the
11 audience. We'll get to you in just a few minutes.

12 A VOICE: University News Service.

13 JUDGE WOLFE: Please take a seat in the
14 audience.

15 As I was saying, the Board indicated at that
16 time that rather than make advance rulings that it would
17 probably be best to rule at the time that a specific ob-
18 jection was made.

19 I'm just not certain what your specific ob-
20 jections will be ... or whether we should wait until such
21 time as it is appropriate.

22 But as I remember this morning, one such
23 objection related to the admission into evidence of --
24 for example, the Final Supplement to the Final Environmental
25 Statement. What is the ground for that? The basis?

1 MR. SCOTT: Well, it's just that the Federal
2 Rules of Evidence require that anything that's in the
3 record be material, relevant and not hearsay ... that
4 general stuff.

5 There's a whole lot of information -- obviously
6 not all of it -- but there's a lot of information in those
7 documents that is that way.

8 JUDGE WOLFE: Is what way now?

9 MR. SCOTT: Hearsay is the most blatant
10 thing.

11 JUDGE WOLFE: And why are you saying that
12 certain segments -- You're not saying that the entire --

13 MR. SCOTT: Oh, no. I'm not saying that the
14 whole document is that way. Absolutely not.

15 JUDGE WOLFE: All right. Let's pinpoint that.
16 What --

17 MR. SCOTT: Well, as an example, there are
18 numerous places where the statement is made -- and the basis
19 of it is personal communication of someone else. I mean,
20 that's obvious hearsay.

21 That's just an example.

22 JUDGE WOLFE: Well, I don't know that absent
23 your pointing that out to me at this time and prior to the
24 tender of the Final Supplement that the Board would be in a
25 position to rule.

1 You may object obviously. I don't know how
2 else to deal with it at this time.

3 MR. SCOTT: The only reason I'm raising it
4 now is -- I've never been through a hearing like this
5 before. I don't --

6 I would really appreciate it if you would
7 explain -- don't tell me how to be a lawyer, I could use
8 some help -- but if you'll explain the procedure and the
9 way this is going to happen.

10 I don't know when Applicant -- you know, I'm
11 confident that he's going to ask at some time to submit
12 into the record those big green books over there ... just
13 in mass.

14 And I'm certainly going to object if that
15 comes up. I hope that somebody claims that that has
16 already been submitted into the record. That's what I'm
17 afraid of ... you know

18 The hearing will be over and somebody will
19 tell me, "Oh? That was submitted five years ago," or
20 something.

21 JUDGE WOLFE: Well, this is a continuing
22 proceeding.

23 We had -- I was not serving on the Licensing
24 Board at that time -- but we had a hearing in 1975 which
25 dealt with site suitability and certain environmental

1 matters resulting in a partial initial decision that was
2 rendered in -- what was it -- December of 1975.

3 Certain exhibits of Applicant and Staff were
4 admitted into evidence at that time. Those documents are
5 part of this proceeding. This is a continuation of that
6 proceeding.

7 So to that extent, Staff had -- I don't
8 remember how many exhibits. Applicant had a number of
9 exhibits too. Those are before this Board, and it is still
10 part of this record.

11 So I take it that your -- Well, your
12 objection, as I understood it this morning, was to the
13 Final Supplement to the Final Environmental Statement --

14 MR. SCOTT: No, I --

15 JUDGE WOLFE: -- and that has not been
16 offered, nor has it been admitted into evidence to my
17 mind, because obviously it was dated in August of 1978.
18 There has been no proceedings.

19 So with respect to, say, that document, I
20 can't rule on that yet because I don't know what portions
21 of it you object to it.

22 MR. SCOTT: I can appreciate what you've
23 said about the prior admission of certain documents into
24 the hearing back in '75.

25 And although I think I probably would have

1 legal grounds to say I was not part of that hearing and,
2 therefore, I'm not bound, I can still voice my objections
3 to those documents, I'm not planning on making an across-
4 the-board objection to those documents.

5 But I still reserve the right to object to
6 various portions of the prior admitted documents because
7 I think the Appeal Board noted in this case that con-
8 siderable time has passed; conditions had changed, and all
9 of those things.

10 I think --

11 JUDGE WOLFE: All right. Your position is --
12 You don't have to preserve your position on that. The
13 Appeal Board made that clear.

14 So to the extent that new evidence comes
15 in in this continued proceeding, and is contrary or amends
16 those findings made by the Board in November of 1975
17 at 2 NRC 776 -- to that extent, those earlier findings
18 would be amended or deleted.

19 That's it.

20 MR. SCOTT: Okay. Can you tell us approxi-
21 mately when these type of things will take place: Staff/
22 Applicant submit the environmental report -- environmental
23 supplements?

24 Is there a standard procedure or is this
25 perhaps --

1 MR. NEWMAN: Perhaps I might help, Mr.
2 Chairman.

3 We had not intended to -- at the outset intro-
4 duce the Environmental Report Supplement. But in view of
5 the fact that Mr. Scott has raised -- or indicates that he
6 will raise objection to that, I think it might be well
7 to dispose of that matter at the outset.

8 I would propose that through the testimony
9 of the person responsible for the preparation of that
10 document, we would tender for evidence the Applicant's
11 Environmental Report Supplement.

12 JUDGE WOLFE: At this time?

13 MR. NEWMAN: Yes, sir.

14 JUDGE WOLFE: All right.

15 MR. SCOTT: I would object unless that one
16 person is going to answer all of the questions about that
17 whole document.

18 JUDGE WOLFE: Well, aren't you being a bit
19 premature?

20 We'll just have to wait and see what he
21 says, and then you can frame your objection after you
22 hear what he says.

23 Let's not put the cart before the horse.

24 All right. How about you, Mr. Black? What
25 documents -- Well, obviously, at sometime or other you're

1 going to tender -- mark as an exhibit and tender the
2 Final Supplement to the Final Environmental Statement.

3 And I think what then -- There's Supplement
4 1 also or --

5 MR. BLACK: We intend to offer at some point
6 in this proceeding, although not today, the Final Supple-
7 ment to the FES, which carries the date of August 1978.

8 We also plan to introduce into this proceeding
9 either the Draft Supplement No. 2 to the FES or the Final
10 Supplement No. 2 to the FES.

11 JUDGE WOLFE: The Final Supplement was the
12 Supplement 1 to the FES?

13 MR. BLACK: It is labelled Supplement No. 2
14 and it's a Supplement No. 2 to the original FES.

15 The Final Supplement, be that as it is may,
16 probably could be termed Supplement No. 1 to the FES.

17 I just might note for Mr. Scott's information
18 that we are required by the Commission's rules of
19 practice to tender these documents and have them admitted
20 in the course of this proceeding to constitute evidence in
21 the record on behalf of the Nuclear Regulatory Commission
22 Staff.

23 He may find that regulation in 10 CFR Part
24 51 -- or Section 51.25, I think ... let me check

25 MR. SCOTT: I've already read that. I'm

1 aware of that.

2 The regulation doesn't say that it's auto-
3 matically accepted and it's all valid and no objections can
4 be made.

5 I'm making objections.

6 JUDGE WOLFE: I understand, Mr. Scott.

7 All right. Let's get this preliminary matter
8 out of the way.

9 Before we get to that, any other matters
10 that you want to bring up?

11 MR. SCOTT: Oh, yes.

12 JUDGE WOLFE: There are.

13 Perhaps --

14 MR. SCOTT: Chairman Wolfe, I hope this will
15 be considered. Obviously, there's only two out of the ten
16 intervenors here today. I don't know their thinking. I've
17 talked to some of them. Some of them are in trial. Some
18 of them have a job and they can't leave in the middle of
19 the day, and all that sort of thing. I won't make their
20 excuses for them. But they're not here.

21 Several of those people have indicated they
22 will be here tomorrow. So I would hope that many of these
23 types of issues that pertains to everybody ... everybody
24 would get their shot -- give them leastways the first day
25 of the hearing.

1 I can't speak for all of them.

2 JUDGE WOLFE: Well, let me speak my mind --

3 MR. SCOTT: Okay.

4 JUDGE WOLFE: We've been a long time in
5 coming to the evidentiary portion of this hearing. We've
6 given more than adequate notice to all parties to be
7 present, certainly today, in that we indicated that in
8 any spare or free time that we would be taking up evi-
9 dentiary matters.

10 I am very concerned that we are just delaying
11 the expeditious, but careful, resolution of the matters
12 that are before this Board.

13 I am well aware that certain parties are not
14 here. I am well aware that Mr. Doherty advised that he
15 had to leave and did leave the hearing room sometime
16 after noon, and that he is not present.

17 But it is a serious thing, and if it is a
18 serious thing, and even the limited appearers have noted
19 the seriousness of such a hearing and the consideration that
20 has to be given it.

21 I would expect that all parties would be
22 present and available and not allow anything to interfere
23 with their presence in this hearing room.

24 Therefore, I think that we will proceed,
25 because due notification has been given to everyone. No

1 one has told me, and given me good cause, why they're not
2 here and why -- some argument given to me that "Please,
3 in their absence, would we continue over until tomorrow
4 before we proceed with the evidentiary hearing."

5 Therefore, we will proceed.

6 Mr. Scott, would you indicate what the next
7 preliminary matter is that you wish to bring up before the
8 Board.

9 MR. SCOTT: Well, the next one -- and
10 certainly not the most important one -- is something I
11 mentioned to you yesterday.

12 I've got to leave at four o'clock. Maybe my
13 excuse is no better than any of these other people. But --

14 JUDGE WOLFE: It certainly is not.

15 You indicated last night -- and I don't think
16 I'm giving away anything, and I never violate confidences,
17 but I don't think this was delivered to me in confidence --
18 that you have some sort of dinner party that you have to
19 attend tonight.

20 Well, if that's more important, well, cer-
21 tainly you may be excused at four o'clock.

22 MR. SCOTT: Not a dinner party I put up, it's
23 one to honor me for some work that I did for an environ-
24 mental organization.

25 JUDGE WOLFE: All right. You attend your

1 dinner, and we will proceed till five o'clock as scheduled.
2 Okay?

3 MR. SCOTT: Okay.

4 MR. NEWMAN: Mr. Chairman, I would like to
5 note for the record that Mr. Scott at no time informed
6 anybody at Applicant's table that he had another engage-
7 ment this afternoon.

8 So we have had no opportunity to extend any
9 courtesy to him, nor, I think, in the present circum-
10 stances now is any courtesy required.

11 I think we should go forward until the time
12 set by the Board.

13 MR. SCOTT: Your Honor, I think this will
14 probably not be a problem. I'm told that there's going
15 to be a school teacher with nine high school students
16 arriving at four to give limited appearance statements.

17 I think --

18 JUDGE WOLFE: It may be academic --

19 MR. SCOTT: I think it's going to be academic.

20 JUDGE WOLFE: Well, we'll just have to wait
21 and see.

22 It may be very real, if the children don't
23 appear and/or if we determine that we don't want and cannot
24 hear their limited appearance statements.

25 But that's something else.

1 MR. SCOTT: Okay. Another issue that I hope
2 we'll bring up -- once again, I had hoped that this issue
3 would be brought up with all of the Intervenors present.
4 But if not, I'll bring it up now.

5 What's going to be the order of the presenta-
6 tion of the cases in this? Now, this has been mentioned
7 at the prehearing conference in part.

8 My understanding is that Applicant has the
9 burden of proof.

10 JUDGE WOLFE: It goes first, that's right.

11 MR. SCOTT: -- and goes first.

12 The -- I propose because of everything I've
13 observed during this last three years, that the Nuclear
14 Regulatory Staff is -- and I'm not saying they always do
15 this, although it seems like that's the case -- basically
16 have sided with the Applicant in this case.

17 Their prefiled testimony would indicate
18 that ... and that sort of thing.

19 I think that the NRC Staff should go second
20 with the presentation of their case. It turns out also
21 that the NRC Staff is in fact, in my opinion, the party
22 that has the burden of proof, as opposed to the Applicant,
23 insofar as whether or not the Environmental Impact State-
24 ment meets the requirements of NEPA.

25 So certainly they should go forward on that

1 issue, certainly, before any of the Intervenor.

2 Then the question comes up: Well, in what
3 order the Intervenor are going to present their cases
4 and their cross-examinations.

5 And just in the interest of rather an arbi-
6 trary thing, I suppose, I propose that it be done in the
7 order of the name of the Intervenor. Doherty is before
8 TexPirg ... that sort of thing.

9 There's nothing technical about that. It's
10 just kind of arbitrary.

11 I do note that there are plans for --
12 I should say I do know -- the other parties have told me
13 that they plan on attending the hearings on a regular
14 basis.

15 But regular to everybody else that I know
16 of, including myself, does not mean full-time. There's no
17 way, considering my other --

18 JUDGE WOLFE: That necessarily must be your
19 choice. All I'm saying is that we intend to proceed in a
20 timely manner, whether one party is missing or three
21 parties are missing, for whatever reason, unless some
22 cause is given as to why we shouldn't proceed in their
23 absence.

24 MR. SCOTT: The point I'm --

25 JUDGE WOLFE: Further, I had indicated at the

1 prehearing conference that every effort should be made by
2 the parties to get together and agree on a lot of these
3 matters --

4 MR. SCOTT: And we've done that.

5 JUDGE WOLFE: Which of these matters have
6 you approached Applicant and Staff on now, as to how to
7 proceed, whether Staff should be presented second after
8 Applicant and reaching some agreement on the order of
9 presentation by the Intervenor?

10 MR. SCOTT: The only time I've mentioned it was
11 at the prehearing conference. My understanding was that
12 you said you would rule on that and work on that whenever
13 this hearing started.

14 MR. COPELAND: Mr. Scott, that's just not
15 true. You and I talked about it on the telephone last
16 week.

17 And I told you that I had no objection to
18 your following the Staff or going before the Staff. I
19 suggested then that you call Mr. Black and work that
20 out with him.

21 MR. SCOTT: I do stand corrected to the ex-
22 tent that I did talk with Mr. Copeland. It wasn't a
23 planned conversation. He called me up, and I brought it
24 up.

25 MR. BLACK: Judge Wolfe, this whole matter was

1 discussed at the prehearing conference on December 2.

2 At that time Staff indicated its preference
3 to go last. That's our usual practice. And my under-
4 standing is -- and certainly Mr. Scott indicated at that
5 time that the Intervenors should go last.

6 And at that time my understanding was that the
7 Board indicated that the normal procedure of the Staff
8 going last would be adhered to in this case; and we have
9 made our schedules accordingly with the witnesses.

10 MR. SCOTT: I --

11 MR. BLACK: Now Mr. Scott is raising this for
12 a second time.

13 But it's my understanding that we went over
14 this matter at the prehearing conference.

15 MR. SCOTT: I think the record will pretty
16 clearly show -- and I assume that's what you're looking at
17 now -- that you never made any final decision on that
18 point.

19 MR. COPELAND: I might further add, Mr.
20 Chairman, that I don't care -- if the Intervenors want to
21 go in alphabetical order in terms of cross-examination,
22 that's fine. That's totally up to them, as far as I'm
23 concerned.

24 But I want to make one thing very clear, and
25 that is when we put our witnesses on, at that time they're

1 going to be tendered for cross-examination.

2 If there is nobody here to cross-examine
3 them, then I intend to move to have the Board let them
4 go. I don't intend to have them here sitting around every
5 day just waiting for somebody to walk in here and cross-
6 examine them.

7 MR. BLACK: I think this whole matter may
8 best be resolved if and when we come to problems. I
9 think that for this first set of testimony anyway, I have
10 scheduled my witnesses accordingly.

11 They will be here. Whether the Intervenors
12 are going to tender a witness on this particular subject
13 matter of the cooling lake testimony, I'm not certain at
14 this point.

15 Some of their testimony was very broad in
16 nature and covers a number of contentions. So I don't
17 know when they want to offer that testimony.

18 But at this time the Staff intends to follow
19 the Applicant as far as witnesses are concerned. How the
20 Intervenors wish to cross-examine either Staff or Applicant
21 witnesses doesn't matter to me. Whoever is here can cross-
22 examine as far as I'm concerned.

23 But like Mr. Copeland, we do not intend to
24 dismiss our witnesses and recall them at a future date,
25 merely to suit the convenience of the Intervenors, or the

1 Applicant or anybody else.

2 We have tight schedules to adhere to here.
3 I think that we should all abide by those schedules.

4 MR. LINENBERGER: I have a question -- I
5 guess I should address it to Mr. Black and Mr. Copeland.

6 This joint statement of 2 December 1980
7 from Applicant and Staff, you indicate on several areas
8 for this series of of hearing sessions ... it is proposed
9 in here that the Applicant's witnesses go first, Staff
10 witnesses second and Intervenor's witnesses last.

11 MR. BLACK: Yes.

12 MR. LINENFERGER: Is that consistent with
13 your thinking, Mr. Black?

14 MR. BLACK: We pointed this inconsistency
15 out at the prehearing conference where we set up that
16 schedule because we were not certain at that point whether
17 Intervenor's had any witnesses or not on any given parti-
18 cular subject matter.

19 So, therefore, we set them out in the schedule
20 last because we didn't want to have a void in the middle
21 of the schedule -- a questionable void.

22 So we set the Intervenor's testimony -- their
23 witnesses last in the schedule. But we indicated in the
24 prehearing conference that we preferred to have them go
25 before the Staff because of the scheduling of witness

1 problems that the Staff encounters in coming all the way
2 to Houston from Bethesda or Oakridge or what have you.

3 I indicated at that time that we preferred to
4 go last because at that time we could present not only our
5 direct case, but rebuttal case if necessary, all in one
6 sitting.

7 And that's the reason why I want to go this
8 way is because otherwise if we had to present our direct
9 case at one point and rebuttal at another, we would have
10 witnesses travelling considerable distances to do that, or
11 else sitting in Houston at considerable expense to the
12 Government.

13 We thought that Applicant and Intervenors
14 could understand that problem, and I thought we had it
15 straightened out.

16 I also think there's really no problem now;
17 we can accommodate our schedule. So I think it's kind of
18 wasting time now to go over Mr. Scott's objections.

19 Let's just go forward. We will follow
20 Applicant's witnesses with Staff witnesses.

21 But sometime early in the game, we should
22 hear from Mr. Scott as to when he intends to present his
23 witnesses -- his limited witnesses so we can get those
24 fitted into the schedule.

25 MR. SCHUESSLER: Mr. Chairman, may I comment?

1 JUDGE WOLFE: Just a moment.

2 So we really have no controversy now on the
3 order of presentation of direct testimony. Applicant will
4 go first; Staff second; Intervenors alphabetically.

5 Any problem? That's agreed to?

6 MR. NEWMAN: I have no objection.

7 MR. BLACK: I'm not so certain I want it a
8 blanket rule. I think I would like to go subject matter
9 by subject matter.

10 We will agree in principle that we will follow
11 the Applicant in the presentation of witnesses. I think
12 that's the best way to do it because we are basically the
13 only two parties that are tendering witnesses on the sub-
14 ject matter. Therefore, we can do that.

15 But there may come a point that it may not
16 be the best way to go. But we will resolve that on a
17 subject matter by subject matter basis. Insofar as this
18 week and the next week -- the cooling lake issues -- we
19 can go that way.

20 JUDGE WOLFE: All right.

21 Mr. Schuessler, you had something to say?

22 MR. SCHUESSLER: Well, I was going to urge
23 that that be your resolution on that question. So that
24 moots that.

25 But I had another question. At the prehearing

1 conference in December there was some discussion about
2 some final addition or amendments to the PSAR. I was
3 informed -- I inquired of Mr. Copeland at that time when
4 they would be inserted or available.

5 I was assured that I would receive a set of
6 them -- or a copy of them as a party. I have not received
7 that.

8 My question is: Have they been done? Are
9 they still pending?

10 MR. COPELAND: They are still pending.

11 MR. SCHUESSLER: Thank you.

12 MR. SCOTT: In regard to that, if it's
13 possible, I'd like some estimate as to when that's likely
14 to come out.

15 MR. COPELAND: I don't know.

16 MR. SCOTT: I think one of the concerns --
17 it seems to me, and it may have been just happenstance --
18 that we were told --

19 MR. COPELAND: I just said I don't know,
20 Mr. Scott. So we can end the conversation.

21 MR. SCOTT: No. We're talking about some-
22 thing different.

23 In the case of the Staff's Environmental
24 Supplement, I thought I was being told for at least six
25 months that it was going to come out just right away ...

1 real soon. And it came out just before the hearing.

2 That bothered me, particularly since I had
3 received some -- I don't know the exact time -- but a
4 couple of months prior to that, verbatim copies of that
5 submitted as copies of the response to motion for summary
6 judgment.

7 I'm not accusing because I don't have the
8 facts. But it made me think that the Staff was holding
9 evidence and stuff until ... you know, the last moment.

10 If some explanation could be made for that,
11 I'd appreciate it. I would like some assurance that that
12 won't happen again.

13 Did you understand my concern?

14 The Second Environmental Supplement, I know
15 I was told -- I think you can find in the record probably
16 written words to the effect that it's going to be coming
17 out soon, you know, next week, the next couple of
18 weeks.

19 And this drug on for about six months. Like
20 that.

21 As I said, you can look in the response to
22 the motions for summary judgment and find verbatim copies
23 of portions of that that was submitted, but not given to
24 the Intervenor except in that response.

25 MR. BLACK: Well, Judge Wolfe, I certainly

1 concede that I had been giving assurances to the Board
2 and parties probably since about August or September
3 1980 that the Second Supplement would be issued in the
4 near future ... the next month or several months or
5 something ... some words to that effect.

6 And I'm certainly not very pleased either
7 that we issued it at such a late date. But I thought I
8 gave an explanation for that at the prehearing con-
9 ference.

10 I don't understand what type of assurances
11 Mr. Scott is seeking from the Staff at this time. But I
12 guess I can go on record as telling him right now that I
13 will not give him any assurances that this type of
14 behavior or what have you, won't happen in the future.

15 But in this case we're not planning on
16 issuing any more supplements anyway, except a final
17 supplement.

18 In that case I can assure him that we will
19 get that out as quickly as possible because it's in the
20 best interest of the Staff to do so.

21 But we did not hold up the issuance of the
22 Draft Supplement for any reason of withholding it from
23 the public or hiding facts or hiding evidence, or any
24 other such things. That was not the case.

25 JUDGE WOLFE: Yes, I remember quite well the

1 Licensing Board, upon inquiry -- I think by Applicant --
2 asking the Staff when it would issue a certain document
3 required by law and/or regulation.

4 And the Staff responded: "We plan to issue
5 the document by such-and-such a date. There has been some
6 delay in the case."

7 The Board was becoming restive. The Board
8 said, "Okay, we will issue and do issue an order by such-
9 and-such a date," which was the date that the Staff thought
10 it would publish the document.

11 We issued an order to that effect. And there
12 was an appeal to the Appeal Board, and the Appeal Board
13 said the Licensing Board did not have the authority to
14 direct the Staff.

15 And the best we could do was inquire why
16 Staff was delaying the publication of the document.
17 And the Licensing Board -- I guess after many hearings --
18 found that there was recalcitrance on the part of Staff
19 and that the Licensing Board could then certify the
20 case ... or its findings to the Appeal Board, then bring
21 the matter to the attention of the Commission.

22 So the Licensing Board does not have the
23 authority to direct the Staff to meet certain deadlines.

24 And the reason I speak with such authority about
25 the case is because I was the chairman of that.

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1 But getting back to the immediate problem --

2 MR. SCOTT: Mr. Chairman, was all you said
3 there relating to some other case? I don't remember any
4 of this?

5 JUDGE WOLFE: It was some other case.

6 MR. SCOTT: Okay.

7 JUDGE WOLFE: Occasionally the parties have
8 to go along with the Chairman. But I do recollect past
9 circumstances, past decisions.

10 But getting back to what we have here. The
11 Staff has advised that it does not know and cannot advise
12 when the final -- when the Supplement No. 2 to the FES
13 will be published. And that's it.

14 I just brought up this example to the effect
15 that a Licensing Board may not direct the Staff to set a
16 date certain and publish that document.

17 So there we are.

18 MR. SCOTT: I assume that you still have got
19 the authority to inquire of Staff as to how far along it
20 is and who's working on it, and how many.

21 I haven't read the case, but I bet it
22 didn't prohibit you from doing that.

23 JUDGE WOLFE: I take it that you are some-
24 what disturbed by the delay.

25 MR. SCOTT: What I am disturbed about is

1 getting it dumped on us before the safety hearing starts.
2 Maybe I shouldn't use the words "dumped on us." But
3 you get the

4 JUDGE WOLFE: Well, you've explained, Mr.
5 Black, that you cannot say when it will be published.
6 Isn't that correct?

7 MR. BLACK: Well, I'm not certain what Mr.
8 Scott is talking about now. Is he talking about final
9 supplements to the SER, or are you talking about the
10 Final Supplement -- the Second Supplement to the FES,
11 the final version of what has been issued to you?

12 MR. SCOTT: I was talking about both of
13 them.

14 MR. BLACK: Okay. Let's talk about just the
15 Final Supplement to the FES. We are now in the comment
16 period stage. That comment period, I believe, is 45
17 days long.

18 The Staff will issue the final version of the
19 FES shortly after we receive those comments, and we will
20 issue our responses to those comments along with the
21 FES -- final version.

22 Insofar as the supplements to the Safety
23 Evaluation Report, we cannot give you a date on those.

24 We are still awaiting certain PSAR amendments
25 from the Applicant. But I can assure you that when those

1 documents are issued, you will be given a lead time
2 sufficient to prepare for hearing.

3 That is only consistent with due process, and
4 that's consistent with Commission regulations.

5 And other, than that, I cannot give you any
6 more assurances.

7 MR. SCOTT: Mr. Chairman --

8 JUDGE WOLFE: Yes.

9 MR. SCOTT: -- in regard to what he just
10 spoke about, that raised another question in my mind.

11 Considering the Final Environmental Supple-
12 ment -- I guess that's what it's called, the thing that
13 will come out after the comment period on the environmental
14 issues -- is it at the draft stage or at the final stage
15 or both, that if any party sees any new issues and wants
16 to raise any new contentions that they should do so?

17 I'm unclear if there's any sort of time
18 frame to raise new issues, or if you want to put a time
19 frame.

20 I know that Mr. Doherty submitted four con-
21 tentions in regard to that draft Second Supplement -- if
22 that's how you call it -- today. Is that proper? Or are
23 we supposed to wait until the final comes out? Or --
24 you know, any opinions or information on that would be
25 helpful.

1 JUDGE WOLFE: It would certainly expedite
2 matters if you would proceed on the basis of the Draft
3 Supplement.

4 MR. SCOTT: Okay.

5 JUDGE WOLFE: This would serve to expedite
6 the case.

7 Obviously, if there's any departure between
8 the Final Second Supplement and the Draft Second Supple-
9 ment, you would have ample opportunity to amend your
10 petition or whatever without additional discovery.

11 I would request that you go forward on the
12 Draft Supplement with all rights preserved.

13 But --

14 MR. SCOTT: And also a question in -- I
15 think it's the issue just before this, in which we decided
16 that there's no problem with the order of presentation of
17 the case, with Applicant, Staff and then Intervenor.

18 I thought you stated the Intervenor in
19 alphabetical order. I think it was also agreed -- and I
20 just wanted to get it in the record to make it clear --
21 that we're not locked into --

22 In other words, an Intervenor does not lose
23 a chance to cross-examine or to present his case just
24 because he's not here when his name comes up. If some
25 other Intervenor is here, they can present their case.

1 They can agree amongst themselves to swap their order and
2 that sort of thing.

3 MR. NEWMAN: Mr. Chairman, that is not our
4 understanding. As Mr. Copeland has indicated, we will be
5 presenting witnesses, and we expect those witnesses to be
6 cross-examined at the time that they're here, the parties
7 accommodate themselves to that cross-examination.

8 If there are special circumstances under
9 which one or more of the parties -- say Applicant, the
10 Staff or Intervenors -- are unable to cross-examine, we'll
11 look at those situations as they come up and determine
12 whether an accommodation can be made.

13 But in terms of the general operating principles
14 of the hearing, it would be absolutely chaotic unless the
15 parties are under the Board's mandate to be present when
16 testimony is given and to conduct cross-examination in
17 accordance with the order that has been established in
18 the proceeding.

19 MR. SCOTT: There's some confusion here
20 apparently. I am not suggesting and did not suggest that
21 they should wait around if there's no Intervenor here to
22 cross-examine.

23 I'm saying if there's two Intervenors here,
24 but it was another Intervenor's alphabetical time to cross-
25 examine, that there's nothing in the world -- it doesn't

1 delay anything to let one of them that's here that hasn't
2 cross-examined go ahead and proceed with their cross-
3 examination.

4 Each party has got the right of cross-
5 examination of each witness.

6 JUDGE WOLFE: Did you understand that, Mr.
7 Newman?

8 MR. NEWMAN: I understand that every party has
9 the right to cross-examine. I think the question is --

10 JUDGE WOLFE: No. Did you understand what
11 Mr. Scott means in his last remarks?

12 He is saying that it's all right -- he agrees
13 with an alphabetical sequence for cross-examination.

14 If two Intervenors are here, B and C, but A
15 is not, B and C proceed. If C completes or is just about
16 to complete and A appears, then, sure, A could proceed --

17 MR. NEWMAN: Certainly. That is my under-
18 standing, Mr. Chairman.

19 JUDGE WOLFE: All right. So there's no
20 problem --

21 MR. NEWMAN: My only concern is that that
22 statement not be carried any further; that is, the parties
23 are to be here when the witnesses are present.

24 If a particular Intervenor desires cross-
25 examination and is not present at that moment, but can come

1 in while the witnesses are still present, we can certainly
2 accommodate that.

3 JUDGE WOLFE: We would not hold any witnesses
4 beyond the finishing of cross-examination and redirect by
5 Applicant of its witnesses.

6 And if A happens to come in after the Board
7 has excused Applicant's witness, even if by a split
8 second I have excused the witness, A will not be permitted
9 to cross-examine.

10 MR. NEWMAN: With that clarification, Mr.
11 Chairman, I completely concur.

12 MR. SCOTT: I agree with that. That's what
13 I had assumed all along.

14 I would hope that very occasionally you would
15 use your discretion, if there's nobody here but you know
16 someone has promised to be here in short order, to not
17 just immediately dismiss them while someone is coming.

18 JUDGE WOLFE: Well, I won't agree to that.
19 The Board has to be notified in a timely manner. If
20 somebody is going to be here for cross-examination, we'll
21 wait a few minutes, and for good cause shown may wait
22 several more.

23 But if the witnesses are here, cross-
24 examination proceeds and we're not advised in a timely
25 manner and good cause shown, those witnesses will be

1 excused, and the right to cross-examination has been
2 waived.

3 Okay?

4 MR. SCOTT: Yes.

5 Once again, I feel like I'm begging your
6 indulgence, but it is important.

7 Is there any possibility that we could have --
8 not in addition, but in exchange for 9:00 to 5:00 hearings,
9 that we might have some weekend and evening hearings?

10 I do know that most of the parties are not
11 going to be able to be here too much of the time, except --
12 9:00 to 5:00 working hours. They've got jobs. They'll
13 get fired if they try to sit down here six months.

14 JUDGE WOLFE: Have you been authorized to
15 speak for them?

16 MR. SCOTT: No.

17 JUDGE WOLFE: They haven't presented this to
18 me --

19 MR. SCOTT: This applies to me too.

20 JUDGE WOLFE: Okay. Well, you speak for
21 yourself. You're not authorized to speak for them. I
22 can't rule on anything in that context.

23 As to yourself, you want for yourself --
24 you're speaking for yourself -- you want to change our
25 schedule that has been firmed up over these past several

1 months --

2 MR. SCOTT: Not in the sense of extending
3 the time, just maybe rearranging the time within that
4 time. Instead of -- you know, it can be very flexible.

5 Instead of Monday, Tuesday, Wednesday,
6 Thursday, Friday, maybe take Friday off and do it
7 Saturday occasionally. That sort of thing.

8 Just depending ... you know, if I've got to
9 be in trial on some other case on Friday ... you know
10 I've got obligations to clients. I've got to be there.

11 JUDGE WOLFE: Mr. Newman.

12 MR. NEWMAN: Mr. Chairman, I'm just simply
13 not going to respond to that in the abstract. When a
14 problem arises, we'll examine the problem and determine
15 what our position would be.

16 MR. SCOTT: I --

17 JUDGE WOLFE: That fairly well falls in with
18 the Board's repeated suggestion -- and I'll repeat it
19 again, particularly where counsel are concerned, get
20 together off the record. Make these sort of agreements.

21 If you say, "Mr. Newman, I have a client
22 and I just simply can't be here on Friday. Can we hold
23 the proceeding over to Saturday?"

24 This is one of the lessons you're going to
25 learn, and it's going to be learned right here. A lot

1 more can be done through informal discussion between
2 counsel than can be by getting into arguments with the
3 Board in the middle trying to mediate, because you can do
4 more with counsel and work things out than by bringing
5 it into --

6 MR. SCOTT: Yes, I understand that. But
7 that's not the whole story.

8 Even if we all agree and you want to go
9 fishing Saturday, we can't have a hearing without you
10 here.

11 I wanted to get some indication that ya'll
12 would be willing.

13 JUDGE WOLFE: We're more than willing to
14 accommodate counsel.

15 MR. SCOTT: Okay.

16 JUDGE WOLFE: -- if at all possible.

17 MR. SCOTT: You can't ask anymore.

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1 JUDGE WOLFE: I think perhaps we are running
2 into impinging on possible limited appearors. Can we
3 reserve any more comments until tomorrow morning. We do
4 have these limited appearors.

5 MR. SCOTT: Do you think there are going to
6 be enough of them today so I can make my exit and not miss
7 out on something important between now and 5:00?

8 JUDGE WOLFE: I just do not know.

9 Would the individuals in the audience who
10 intend to make limited appearance statements please raise
11 their hands?

12 Four on the left side, five, six.

13 MR. SCOTT: That ought to do it.

14 JUDGE WOLFE: Six.

15 All right. The limited appearors have made --

16 MR. SCOTT: Made my day.

17 JUDGE WOLFE: -- your leaving, the consequences
18 of it moot. You are excused, Mr. Scott.

19 MR. SCOTT: Thank you.

20 9:00 o'clock in the morning or 10:30?

21 JUDGE WOLFE: What does the Order say?

22 MR. SCOTT: I don't know. I had heard --
23 I thought it was 9:00 and someone told me this morning that
24 someone had said off the record it would start at 10:30.

25 JUDGE WOLFE: Counsel, you are going to have

1 to learn to read Orders and not ask the Court or a Board
2 what the times are. Read the Orders.

3 MR. SCOTT: I've read them. I've got a short
4 memory.

5 JUDGE WOLFE: Read them again.

6 MR. SCHUESSLER: Mr. Wolfe, may I ask one
7 quick question? I am leaving. I mean I am a layman here.
8 Is it necessary, should I be here and have to leave to note
9 it for the record, or something, and seek approval and be
10 excused?

11 JUDGE WOLFE: I think during the course of
12 evidentiary hearings, Mr. Schuessler, if you do have to
13 leave you had better note that to the Board, and state the
14 reason for leaving.

15 MR. SCHUESSLER: Thank you.

16 JUDGE WOLFE: All right. We now switch over
17 to the limited appearances. There were two young ladies in
18 the front here. I think the young lady with the paper in
19 her hand wanted to make a limited appearance statement; is
20 that correct?

21 MS. STREILEIN: I just had one question I
22 wanted answered --

23 JUDGE WOLFE: You wanted to talk to me off
24 the record, or what do you want to do?

25 MR. SCOTT: Go to the microphone.

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1 STATEMENT

2 OF

3 PATRICIA STREILEIN

4 MS. STREILEIN: My name is Patricia Streilein.
5 I am with the University News Service.

6 JUDGE WOLFE: Spell your last name, please.

7 MR. STREILEIN: S-t-r-e-i-l-e-i-n.

8 I just have kind of a technical question to
9 ask. Following the TMI incident it was reported that
10 entities requesting licenses to build nuclear power
11 facilities may have to include in their Environmental
12 Impact Statement information regarding the impact for
13 Class 9 action should one occur at the site being
14 considered.

15 Is this information now being required from
16 HL&P, and has it been included in the statement?

17 JUDGE WOLFE: I think this Board has ruled
18 on this in our Order of -- does someone have the date of
19 that Order?

20 Young lady you are asking this question
21 through the Board in your capacity as a reporter for the
22 University newspaper; is that correct?

23 MS. STREILEIN: Yes.

24 JUDGE WOLFE: And you really are not asking
25 this as a -- you are not appearing in order to make a

1 limited appearance statement. Is that correct?

2 MS. STREILEIN: Correct.

3 JUDGE WOLFE: Yes. That being the case, this
4 is the time for limited appearance statements. Therefore,
5 I would suggest that you do consult or discuss the matter
6 with Applicant or Staff, or whoever, whatever party is
7 present for a response to that question.

8 We have ruled on that question in this case.
9 It may come up once again under whatever guise, and I do
10 not wish at this time to respond to a question which may
11 well infringe upon my prejudgment of whatever may be
12 raised again.

13 So, my suggestion is that you contact either
14 Mr. Black or Applicant counsel for a response to your
15 question. All right?

16 MS. STREILEIN: Thank you.

17 JUDGE WOLFE: I have in mind the Board's
18 Order, Mr. Black, or Applicant's counsel, the Order of,
19 Memorandum and Order of September 1980. You might refer
20 to that and discuss the Commission's directive and policy
21 with the young lady.

22 All right. We will now proceed.

23 We will have a five-minute recess.

24 (A short recess was taken.)

25 JUDGE WOLFE: We are ready to proceed with

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1 the limited appearance statements, which will be limited
2 to ten minutes if given orally, or a written statement of
3 any length, if you will hand it to the reporter we will
4 incorporate it into the record.

5 Questions are not to be directed to the
6 Board, or we will not answer questions, because as
7 indicated previously the Board's duties and obligations
8 may be impinged upon in that the question may relate to
9 issues or matters that are presently in controversy with
10 the -- which the Board must resolve.

11 All right. I will call Jack Sosa.

12 STATEMENT

13 OF

14 JACK SOSA

15 MR. SOSA: Thank you.

16 JUDGE WOLFE: Give your name, spell your last
17 name, and your address.

18 MR. SOSA: Would you repeat that? Somebody
19 was opening the door.

20 Could you repeat that, please? Somebody was
21 opening the back door and I could not hear you.

22 JUDGE WOLFE: Would you please spell your
23 last name, and give your address, please.

24 MR. SOSA: S-o-s-a. Address is 4334 Polk,
25 No. 4.

1 I have, I guess wanted to come to share what
2 my feelings about the power plant that is going to be
3 built, and the question I have is why is it necessary to
4 build another plant when there is already one being under
5 construction. I don't know all of the details about that,
6 but I feel that in our society we are already wasting
7 enough energy as it is. Why do we need to produce more
8 energy to waste more.

9 In our society where it has become so
10 complicated, and so much technology, from blow dryers to
11 foot fixers, all powered by electricity. What happened
12 to the times where you would make orange juice with your
13 hands instead of using an electric machine to do it. When
14 did you not just use a toaster, or something, instead of
15 a toaster oven, or something that waste more electricity.

16 My feelings are not so much against the
17 builders, HL&P, against electricity, it's against the
18 people, against myself, against each person that is here,
19 to check our ourselves from how much we waste in our daily
20 lives.

21 Look at this building right here. They've
22 got this whole place lit up and there's only a handful of
23 people in here. The air conditioner, when the temperature
24 outside is 58 degrees. What is that? Look at all of these
25 fancy machines you have going around here. What happened

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1 to the time we just wrote things by hand? Look at all of
2 this stuff. Electricity. Electricity everywhere you look.
3 Look at the security lights. I know a lot of these things
4 are necessary, and I'm not saying that those things are
5 all wrong. What I am saying is that we need to look and
6 see why we are using so much of the world's energy needs,
7 and only a fraction of the population.

8 I just think we need to assess, reassess
9 our values and then why we want to build a plant to produce
10 more energy to waste more. I would like to see us go back
11 to a simpler lifestyle. We wouldn't be paying so much on
12 energy, and we could live a life where we wouldn't waste so
13 much. Not just energy, other resources, food, time,
14 everything else that you can think of.

15 So, my -- I'm not going against the people
16 that are building it, or HL&P. I just wanted to say that
17 I think we need to look and see, check ourselves, and try
18 to evaluate why we waste so much, and then try to cut down
19 on that.

20 I don't know all the hazards of nuclear
21 power, you know. I don't know nuclear power in the sense
22 of destruction, where I think of Hiroshima, and think of
23 what happened there, you know, and I would sure hate to
24 see anything happened like that, accident, or otherwise.
25 I don't think that's really the real problem of it.

1 I think the whole real problem is just our
2 ourselves, our own human nature, our own waste, and our
3 own comforts, wanting. Not so much as applied to needs.
4 I was reading the little brochure there, "How We Serve The
5 Needs Of Houston's Future." It's not the needs. It's the
6 wants. It's what they want. It's what we want. We want
7 the comforts. We want to have central air. We want to
8 have all of these luxuries that we don't really need.
9 They are not needs. There's a difference between wants
10 and needs.

11 Eventually, they probably will -- we'll
12 probably have plants all over the place. I don't doubt
13 that, because the human nature in us is not content just
14 with meeting our simple needs: heat, food, house, and
15 clothes to wear, our basics. We want to have more. We
16 want to have more. We are greedy. We want all of these
17 comforts. And we are going to have to have nuclear power
18 plants to supply those.

19 I'm afraid of the future for America unless
20 we change. At times I have thought I didn't want to live
21 here, you know, but I feel that I want to be part of the
22 change. I want to see all of us working together. I
23 don't want to see anti-nuclear and pro-nuclear. I want to
24 see us all working together trying to find solutions to
25 our problems, and not fighting and arguing against each

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1 other, but working together for a better future for all of
2 us.

3 I know there are answers, and I know that we
4 can together, even if it takes sacrificing, live a simple
5 lifestyle. We can come to some answer where we can work
6 together and have a future, instead of having all this
7 fighting going on amongst each other, people in disagree-
8 ment, confusion. It's just a lot of stuff, a lot of
9 hate and anger goes on to these issues. I don't like to
10 see that. I like to see us work together and agree, and
11 then be able to resolve the problem.

12 Until we get to a place where we can agree
13 with each other, we aren't going to be able to resolve
14 these problems and work at them, because we are fighting
15 amonst each other right now. Until we can unite and work
16 together toward trying to meet our energy, trying to meet
17 all of our needs that we have, we are not going to be able
18 to do a thing, until we come together in unity and solve
19 those.

20 Those are my feelings. I am not anybody of
21 importance. I'm just some parttime carpenter, and I have
22 a little apartment we pay \$150 a month, and I don't have a
23 lot of things. I don't have much education. I graduated
24 from high school. That's about it, but I feel that -- I
25 see some of these things that are going on, and I want to

1 see change happening in the right direction. I want to
2 see people work together in unity, and not disunity and
3 fighting with each other and arguing.

4 I think this nuclear power issue is one
5 issue, and why should we build another plant, you know,
6 why do we need to build another plant. Let's consider
7 first why do we need to have more energy? We are wasting
8 too much energy fussing with each other. We could have
9 enough energy to run New York City.

10 So I don't want to talk anymore, because I
11 see this camera in front of me, and I might start rattling
12 off things I don't want to say. Okay?

13 I thank you for your time, and I feel I have
14 shared what is on my heart and mind.

15 JUDGE WOLFE: Thank you, Mr. Sosa.
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1 MR. SCHUESSLER: Mr. Wolfe, I would like at
2 this time to ask to be excused, because I have to go to
3 work.

4 JUDGE WOLFE: All right.

5 Kathy Heinzerline.

6 STATEMENT

7 OF

8 KATHY HEINZERLINE

9 MS. HEINZERLINE: My name is Kathy
10 Heinzerline. I am a science teacher at the Chinklepinc
11 School in Highlands, Texas. I have come here with a few
12 of my students that are sitting out there to tell of our
13 opposition to the construction of the Allens Creek
14 Nuclear Power Plant.

15 We have been studying the question of
16 nuclear energy in our class for the past two years. We
17 have read articles and magazines and newspapers about the
18 pros and cons of nuclear energy, and recently we have been
19 reading articles in the Houston Post about the continual
20 problems with the power plant which is under construction
21 in Bay City, Texas.

22 We have read about workers who have stated
23 that there are probable welding defects now buried under
24 concrete and that were never properly inspected. We have
25 read that the cost of building the plant has increased

1 considerably and that the construction continues to be
2 delayed, pushing back the expected completion date at an
3 ever-increasing cost to consumers.

4 It concerns us greatly that another nuclear
5 plant is being proposed in such close proximity to Houston,
6 when it seems that the Bay City plant, also in close
7 proximity to Houston, is besieged by one problem after
8 another.

9 Another serious concern of ours is the
10 problem of radio-active waste. In 35 years no one has
11 come up with a solution for the safe disposal of radio-
12 active waste.

13 It has come to our attention that the Houston
14 Lighting & Power Company has no plan for the safe disposal
15 of the waste at the Allens Creek site, or at the Bay City
16 site.

17 How can a construction permit be given when
18 the largest single problem facing the nuclear industry
19 today has not been solved. Once again, the consumers will
20 bear the burden of the cost because of the lack of a safe
21 plan.

22 Rates now are 20 percent higher this year
23 than last. How much higher do they have to go to pay for
24 a source of energy that is fraught with problems, risks,
25 and expense?

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1 This brings me to the issue of alternative
2 sources of energy. We have read about many that looked
3 to be so much safer and seemed to make so much more sense
4 in terms of long-range goals for energy supply and demand.
5 In Texas we know there is abundant supplies of natural
6 gas, and experts say they could supply energy needs for a
7 long time if the proper technology were developed. Why
8 not use the money that would be spent on this proposed
9 nuclear plant, create jobs, and develop this other resource
10 that in the long run will be less expensive and that has
11 been proven to be clean and safe?

12 Many experts now are saying that nuclear
13 power is on the way out. In the August 1980 issue of
14 NOT MAN OF HEART it was quoted that there are moratoriums
15 on reactor ordering in eight major countries of the world,
16 and that nuclear power has been deferred or abandon in
17 another eight major countries. Solar energy has been
18 acknowledged as the most important energy source of the
19 future. There are alternatives. Why have they not been
20 considered?

21 Lastly, it has come to my attention that the
22 Houston Lighting & Power Company is using the 1978 guidelines
23 of their Environmental Impact Statement. Those guidelines
24 are now outdated, since new rules and regulations have been
25 established since the Three Mile Island accident.

1 I think it is very important that a study of
2 the possibility of a Class 9 accident be made before any
3 construction permit is granted. Also to be considered are
4 the affects of low-level radiation that is released from
5 any nuclear power plant.

6 Wallis, Texas, is just 40 miles from down-
7 town Houston, and with the present rate of growth Wallis
8 may some day be within the city limits of Houston. We are
9 talking about a million people now that could be affected
10 by radiation release, and another two or three million by
11 the year 2000. We know now that low-level radiation can
12 cause cancer and birth defects, but what are the harmful
13 effects that we don't even know about?

14 It scares me to live in such close proximity
15 to a nuclear power plant. It scares me even more to bring
16 up my children near one. The problems seem to be so
17 obvious and abundant, and the advantages seem to be so
18 few.

19 I plead with you to please consider all of
20 these questions that I and others have raised, and to deny
21 the construction permic for the Allens Creek Nuclear Plant.

22 Thank you.

23 JUDGE WOLFE: Thank you.

24 Fausto Nolasco.
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1 Will you spell your name and give your
2 address, please.

3 STATEMENT

4 OF

5 FAUSTO NOLASCO

6 MR. NOLASCO: Fausto Nolasco, F-a-u-s-t-o,
7 N-o-l-a-s-c-o, 6806 Forrest.

8 I live here in Houston. I am strongly
9 opposed to the nuclear energy because of the potential
10 danger, the danger clearly seen in the Three Mile Island
11 accident. I am also against the construction permit for
12 the Allens Creek Nuclear Plant.

13 I am aware that the construction of the
14 plant would boost the economy, but, frankly, I don't
15 believe the few prosperous years can compensate for the
16 very long term and deadly effects of a possible meltdown,
17 or the effects of low-level radiation that any nuclear
18 plant releases.

19 All it takes is a matter of seconds to turn
20 a growing Houston into a crippled city which no one could
21 live in for centuries. It almost happened at Three Mile
22 Island. It can happen here.

23 I have been reading in the newspaper about
24 the problems at the Bay City Nuclear Power Plant. This
25 leads me to question why with all the problems --

1 JUDGE WOLFE: One moment, please.

2 The TV cameras have been directed to stand
3 in one place and take their pictures. I notice you have
4 been moving. Please take one position and don't move.

5 A VOICE: We were not aware of that.

6 JUDGE WOLFE: Yes. Now you are, so please
7 comply with Commission policy. Do not take any pictures
8 from a moving position. You have to take a fixed position
9 and take your pictures.

10 I'm sorry to have interrupted you, Mr.
11 Nolasco.

12 MR. NOLASCO: I have been reading the
13 newspaper about the problems at the Bay City Nuclear Power
14 Plant. This leads me to question why with all the
15 problems at that plant start construction of a plant in
16 Wallis?

17 The possible grant of permission for this
18 plant, and for that matter any other plant, scares me.
19 There are safe alternatives. Why choose nuclear energy?

20 I have grown up here in Houston, and plan to
21 live here the rest of my life. Some day I would like to
22 raise a healthy family. With Bay City 80 miles away and
23 Wallis 40 miles away I worry about being able to do this.
24 It seems it is going to take a meltdown to stop the
25 construction of nuclear plants. Wasn't the Class 9

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1 accident at Three Mile Island enough? Your decision
2 determines the future of those now living and those that
3 will live.

4 JUDGE WOLFE: Thank you.

5 Earl Bruner.

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7 STATEMENT

8 OF

9 EARL BRUNER
10

11 MR. BRUNER: My name is Earl Bruner. I
12 live in southeast Houston about 40 miles east of your
13 proposed plant at Allens Creek.

14 Houston is a major city in the US today. We
15 are rapidly expanding in population. This means we are
16 needing more land. We are now building in areas west of
17 Houston, and if we keep heading that direction it won't be
18 any time at all until we are at the door of the nuclear
19 plant site.

20 I have read about the risks of nuclear
21 energy. I don't think I could sleep well knowing there is
22 a nuclear plant that close to my home. In case of an
23 accident the City of Houston has no evacuation plan. How
24 much time would we have to evacuate before it is too late?
25 How would that affect Houston?

1 The Houston Lighting & Power Company does
2 not have a place to put the waste materials. I think if
3 you are going to have a plant you should have plenty of
4 assets, and, therefore, I hope you will deny the
5 construction permit for the Allens Creek Nuclear Plan..

6 Thank you.

7 JUDGE WOLFE: Thank you, Mr. Bruner.

8 Gabriel Martinez.
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STATEMENT

OF

GABRIEL MARTINEZ

MR. MARTINEZ: My name is Gabriel Martinez.

I am a Junior at the Chicopin School, which is located
30 miles east of Houston.

The reason I oppose the nuclear power plant
that has been proposed to be built in Wallis is because I
am very concerned how Houston people would be evacuated
in case there was a nuclear meltdown.

I also think that more research is still
needed on how to prevent a Class 9 accident such as the
one at Three Mile Island.

Instead of investing money into an energy
resource that no one knows enough about the consumer's
money should be invested in other alternatives such as
natural gas and solar energy, which are both safer and
cleaner energy resources.

For these reasons I am opposed to the
construction of the Allens Creek Nuclear Plant.

Thank you.

JUDGE WOLFE: Thank you.

Robert Robertson.

1 STATEMENT
2 OF
3 ROBERT ROBERTSON
4

5 MR. ROBERTSON: My name is Robert Robertson,
6 and I speak here as a Union member, and also as an
7 individual who attended the National Labor Conference for
8 Safe Energy And Full Employment, which was held in
9 Pittsburgh, Pennsylvania. It was sponsored by eight
10 international unions, including the International
11 Association of Machinist, which has many members in this
12 area; the International Woodworkers Union; United Auto
13 Workers Union; United Mine Workers of America; the
14 International Chemical Workers Union, which also has
15 members in this area; Service Employees International
16 Union; United Furniture Workers Union; International
17 Longshoremen and Warehousemen Union. In all, over 1000
18 unionists attended, including over 50 different
19 International unions were represented by different
20 individuals, including District 31 of the United Steel-
21 workers of America, the union I am a member of, which has
22 over ten percent of the union members in the steel
23 industry, and many others.

24 It was addressed significantly by William
25 Wepensinger, International president of the International

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1 Association of Machinist; Sam Church, president of the
2 United Mine Workers of America; Eric Guerber, United Auto
3 Workers vice president, who was sent by Douglas Frazier,
4 who is the president of the United Auto Workers; and by
5 many other experts on the issue of nuclear power.

6 The Conference unanimously opposed nuclear
7 power, and it supported different concepts for safe energy,
8 such as coal. That was the main idea that came out of the
9 Conference, although we are for other alternative sources
10 of energy which are more labor intensive, which can put
11 the thousands and thousands of union members who are now
12 presently on layoff back to work. Of course, all of those
13 people cannot be put back to work by Allens Creek. However,
14 if it was a coal process plant many more people would be
15 employed than a nuclear plant. Many mine workers, many
16 rail workers, and a number of other people.

17 There are also other alternatives that were
18 suggested and supported by the conference, such as natural
19 gas, fossil fuels, solar energy, and other methods to
20 produce energy.

21 I want to emphasize, though, that as far as
22 Allens Creek, there is no reason why it couldn't be a coal
23 or natural-gas fired plant. There is no reason to place
24 the public in jeopardy by building a nuclear power plant
25 that is very questionable on safety.

1 The record in the nuclear industry has not
2 been very good in the United States, which is in
3 contradiction to what HL&P says. However, from the
4 different accidents, including Three Mile Island, Brown's
5 Ferry, Chalk River in Canada. Idaho Fallas, you remember a
6 couple of accidents -- these weren't on nuclear power
7 stations, but there were involved in the process of
8 building nuclear power.

9 Anyway, I think it is very important that
10 this Commission or Committee, whichever is correct, take
11 a position in support of the safety of the people of the
12 Houston area, in support of safe energy, and in support
13 of a full-employment economy, which we need in this
14 country, and oppose a nuclear power plant at Allens Creek
15 near Wallis, Texas. Instead propose or suggest to HL&P
16 to construct some other type device. As I have mentioned,
17 I would support coal, or some other type of energy-
18 producing facility.

19 Thank you very much.

20 JUDGE WOLFE: Thank you.

21 Are there any other limited appearance
22 individuals?

23 Yes, the young lady with a pencil in her
24 hand.

25 MS. HEINZERLINE: This gentleman was on a

1 list but his name was not called.

2 JUDGE WOLFE: What is your name, please?

3 MR. CEPEDO: Alphanso Cepedo.

4 JUDGE WOLFE: It was put on by someone else,
5 other students I guess who did sign in. All right. Mr.
6 Cepdeo, come forward.

7 STATEMENT

8 OF

9 ALPHANSO CEPEDO

10
11 MR. CEPEDO: My name is Alphanso Cepedo, and
12 I am 16 years old, and I am here because I want to express
13 my opinion of opposition toward the construction of the
14 Allens Creek Nuclear Power Plant.

15 First of all, I would like to relieve any
16 thought that might be in your mind that I was forced to
17 appear by my teacher. I wanted to do this even with the
18 little knowledge I possess of such matters.

19 I do, however, know that nuclear energy can
20 be very hazardous through its waste to the environment.
21 In my research I have found that a secure place to dispose
22 of nuclear waste from the proposed plant has not been
23 found. What will we do about this then? We all know that
24 the waste must be disposed of properly, and even then it
25 could prove hazardous to the environment.

1 I have also found that no policy has been
2 drawn up to protect us from a Class 9 accident, such as
3 Three Mile Island proved to be. What then would we do in
4 such a situation?

5 If the proposed plant is constructed then
6 within several years with the steady growth of population
7 it will be within the realm of the Houston City Limits.
8 This bothers me, because of the safety risks involved in
9 nuclear power, and that the people of Houston will be
10 right in the middle of it with no plan of evacuation.

11 When I consider all of these things, and the
12 problems that the Bay City Nuclear Power Plant has had,
13 I ask myself: Why build another nuclear power plant when
14 we have already seen so many bad things that can result
15 from them? I have heard people say that the plant needs
16 to be built in order to boost the economy by creating more
17 jobs. If that is the case we can build a natural gas
18 plant, which would be so much safer and cheaper and we
19 would have no problems to be solved, such as waste disposal
20 or safety risks, and we would still be creating jobs.

21 I read about figures that say that Texas has
22 vast amounts of natural gas, so why don't we use it?
23 Another alternative is solar energy. Almost monthly I
24 read an article on solar power and how it is improving.
25 One article was about the largest single solar energy plant

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1 in Dagget, California. The plant can produce as much as
2 10 megawatts of electric power, enough for the residential
3 needs of a town of 8000. In ever article I notice either
4 a direct statement or an allusion saying that solar energy
5 will be the energy source for the future.

6 So, why don't we invest in something safer,
7 instead of something that has the potential to harm us?

8 Thank you.

9 JUDGE WOLFE: Thank you.

10 Are there any other students? Yes. Come
11 forward.

12 A VOICE: Which one of us.

13 JUDGE WOLFE: The young lady come forward.
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1 STATEMENT
2 OF
3 MARGARET HARRIS
4

5 MS. HARRIS: Good afternoon. My name is
6 Margaret Harris. I am a third-year law student at the
7 University of Houston. Before law school I worked for
8 three years for the U.S. general accounting office.
9 During those three years I spent one year evaluating future
10 space technology plans by NASA for use by the 1980's. I,
11 therefore, feel that I have a closely related background
12 to analyze the arguments for and against nuclear power
13 plants.

14 After spending a long time studying the
15 issue, I am definitely against nuclear power plants,
16 primarily because of the waste disposal problems. Thus
17 far there are no guarantees that the storage containers
18 will not break open 300 years from now.

19 Our cost methodology that determines that
20 base load nuclear power plants are cheaper than short-term
21 coal-burning plants, or other forms of petroluem-product
22 plant to produce energy. The methodology that determines
23 the base load plants are cheaper does not consider the
24 long-term affects and the problems of nuclear waste. And
25 I don't think we should make that kind of investment. I

11-9

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1 don't think we should run that kind of risk. I think this
2 society needs to instead put much more emphasis on
3 conservation. I don't think it is as nearly important
4 that every kitchen is equipped with an osterizer, as I do
5 that the country and the world last for more than 300
6 years. And I think we run a tremendous risk of it not
7 lasting that long.

8 Thank you for your time.

9 JUDGE WOLFE: Thank you.

10 Cham Dallas.

11 STATEMENT

12 OF

13 CHAM DALLAS

14
15 MR. DALLAS: My name is Cham Dallas. I am
16 a Houstonian, and I am a graduate student in environmental
17 science at the University of Texas here in Houston.

18 I worked for several years as research
19 assistant in environmental biology at the University of
20 Texas, M. D. Anderson Cancer Institute.

21 I would like to address the issue of the
22 Allens Creek study. In view of the fact that the
23 managing partners that are applying for the permit for
24 the Allens Creek site have already been fined the third
25 largest fine ever given by the Nuclear Regulatory

1 Commission, \$100 thousand, and the fact that this fine was
2 given even before the plant has been put on line, leads me
3 to conclude that I find it -- I am totally unable to find
4 in my mind why these managing partners and these
5 contractors should be awarded the permit, in view of the
6 tremendous problems that they have already encountered,
7 including air voids in the concrete superstructure,
8 improper welding done in the cadwelds. Allegations of
9 physical beatings of employees at the plant. All of these
10 incidents preclude to me that the people that are the
11 managing partners and the contractors for the permit at
12 Allens Creek should be awarded the permit. I do not
13 believe that they should be awarded this permit on this
14 basis.

15 Also, I am a third-generation Houstonian,
16 and I am quite concerned with what happens in the city,
17 and I believe that in view of these things that I have
18 already mentioned, that to award this permit would endanger
19 the future of the city about which I care a great deal.

20 So, my reason for coming here today, and I
21 thank you for having an open-public hearing such as this,
22 I am very gratified that you take the time to hear public
23 opinions, and that is my conclusion about the siting
24 permits for the managing partners for the Allens Creek
25 Project. Thank you.

11-11

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1 JUDGE WOLFE: Thank you.

2 Are there any other individuals in the
3 audience who wish to make limited appearance statements?

4 I have about eight or nine minutes to 5:00
5 o'clock. We will recess in place until 5:00 o'clock and
6 if there are any other individuals that come in who wish
7 to make limited appearance statements we will receive them,
8 but we will recess promptly at 5:00 o'clock.

9 (A short recess was taken.)

10 JUDGE WOLFE: I have a written appearance
11 from Roland Mahoney. I give this to the reporter for
12 incorporation into the record.

13 STATEMENT

14 OF

15 ROLAND MAHONEY

16
17 MR. MAHONEY: I am a citizen concerned about
18 how the waste is going to be disposed and also about
19 further scientific study in nuclear disposal.

20 JUDGE WOLFE: That will close the limited
21 appearance statements, that is oral. I understand some
22 people still have indicated that he or she would like to
23 submit a written limited appearance statement.

24 While we do indeed cut off oral limited
25 appearance statements as of 5:00 o'clock today, we will

1 leave the record open for presentation of any written
2 limited appearance statements until a week from tomorrow,
3 a week from this Friday. We do this because the limited
4 appearance statements will not interfere with the
5 progression of our evidentiary hearing, while oral limited
6 statements would interfere, and we think it is fair to
7 leave the record open for another week for the reception
8 of written limited appearance statements.

9 I understand there is one more oral limited
10 appearance statement. Carol Antill, come forward, please.

11 STATEMENT

12 OF

13 CAROL ANTILL

14
15 MS. ANTILL: My name is Carol Antill, and I
16 reside in Houston.

17 I would just like to say that I am against
18 nuclear power. One of the reasons is the waste reason,
19 that I don't feel like there is a system set up that
20 deposits of the waste in a good way, from all that I have
21 read about it. I feel like it adds to the pollution of the
22 world rather than taking away from it and helping it.

23 Thank you.

24 JUDGE WOLFE: Is there any other limited
25 appearance statement?

11-13

(No response.)

JUDGE WOLFE: There are none, so we will now close the limited appearance portion of these hearings and will proceed with our evidentiary hearing tomorrow morning at 9:00 a.m. I so state to advise the public. I am sure that counsel are aware what time the hearing begins.

The evidentiary hearing will proceed at 9:00 a.m. in the morning, and continue until 5:00 o'clock tomorrow evening, and we will proceed again the following Monday morning through that week with other sessions thereafter scheduled. It is not necessary to give the dates at this point.

We stand in recess until tomorrow morning.

(Whereupon, at 5:05 p.m., the hearing was recessed, to reconvene at 9:00 a.m., Friday, January 16, 1981.)

00o00

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This is to certify that the attached proceedings before the
U. S. NUCLEAR REGULATORY COMMISSION

in the matter of: HOUSTON LIGHTING & POWER COMPANY, Allens
Creek Nuclear Generating Station, Unit 1

Date of Proceeding: January 15, 1981

Docket Number: 50-466

Place of Proceedings: Houston, Texas

were held as herein appears, and that this is the original transcript
thereof for the file of the Commission.

MARY L. BAGBY

Official Reporter (Typed)

Mary L. Bagby

Official Reporter (Signature)